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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL

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VOLUME 1

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11

March 17, 1999

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9:00 - 5:00 p.m.

13

14

Northern Southeast Regional
Aquaculture Association Building

15

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Sitka, Alaska

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19 COUNCIL MEMBERS PRESENT:

20

21 William C. Thomas, Chairman

22 Dolly Garza, Vice Chairman

23 Patricia A. Phillips, Secretary

24 John F. Vale

25 Herman Kitka, Sr.

26 Alan J. Sorum

27 Marilyn R. Wilson

28 Mim McConnell

29 Lonnie Anderson

30 Mary Rudolph

31

32

33 David Johnson, Regional Coordinator

34 Salena A. Hile, Court Reporter

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P R O C E E D I N G S

(On record - 9:05 a.m.)

CHAIRMAN THOMAS: We'll call this meeting to order. I used my gavel in Ketchikan for another meeting and I lost it. So I'm going to have to use Marilyn's knuckles to get your attention here.

We'll have the roll call by Patty Phillips to establish a quorum.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Here.

MS. PHILLIPS: William Thomas.

CHAIRMAN THOMAS: Here.

MS. PHILLIPS: Gabe George.

MR. GEORGE: Here.

MS. PHILLIPS: Jeff Nickerson, resigned.
John Vale.

MR. VALE: Here.

MR. KITKA: Herman Kitka.

MR. KITKA: Here.

MS. PHILLIPS: Alan Sorum.

MR. SORUM: Here.

MS. PHILLIPS: Mary Rudolph.

MS. RUDOLPH: Here.

MS. PHILLIPS: Patricia Phillips, here. Mim
McConnell.

MS. McCONNELL: Here.

MS. PHILLIPS: Lonnie Anderson.

MR. ANDERSON: Here.

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1 MS. PHILLIPS: Marilyn Wilson.

2
3 MS. WILSON: Here.

4
5 MS. PHILLIPS: Dolly Garza.

6
7 MS. GARZA: Here.

8
9 MS. PHILLIPS: Vicki LeCornu, absent. We
10 have a quorum established.

11
12 CHAIRMAN THOMAS: Thank you, Madame
13 Secretary. This is the time when we take time to greet
14 everybody. It's nice to see such a good turnout. It's nice
15 to see a good representation. We're always happy to see
16 people that find time to travel from their regular jobs from
17 out of town to make it here.

18
19 Our agenda don't change much but the environment
20 around us with the politics do change, some, but that won't
21 necessarily be part of our agenda. We do have a good agenda.
22 And I just want to welcome everybody to Sitka. And I will
23 leave other welcome comments up to other members from the
24 community if Sitka has any designated people to welcome the
25 group. If you don't have I'll take until 11:00 to finish
26 mine.

27
28 Gerry.

29
30 MR. HOPE: Yeah, thank you, Mr. Chairman.
31 It's good to see you here. I'll recall some comments made by
32 one of -- a person who has become basically an elder in town,
33 now, Nelson Frank, whom, most of you probably have heard of
34 or know. He said that one of his many chairings of meetings
35 is being introduced and the person who introduced him forgot
36 his name, and so the person who introduced him, the person
37 who needs no introduction. I'm glad that didn't happen today
38 to me.

39
40 And I'm Gerry Hope, I'm president of the Sitka ANB.
41 What we would like to do is invite you to a reception
42 tomorrow evening at 6:30 at the Shishiqan/Nakaheedi (ph), and
43 that's otherwise known as the community house across from the
44 old Sheffield by the Pioneer's Home on Catlian Street, for
45 those of you who don't know. Bring an appetite and that's
46 all we require. And it's just a social. There's no forum
47 for it or anything we just want you to relax and enjoy some
48 of Sitka's hospitality.

49

Thank you very much.

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1 CHAIRMAN THOMAS: Thank you, Gerry.

2
3 MS. GARZA: Mr. Chair.

4
5 CHAIRMAN THOMAS: Dolly.

6
7 MS. GARZA: Also on behalf of the Alaska
8 Native Sisterhood, Camp 4, I would like to welcome you to
9 Sitka. It's good to see you, we don't see each other enough.
10 And very appreciate that you love coming to Sitka, I'm sorry
11 I can't bring you fresh herring eggs but that's the way it
12 goes. But we do invite you here, we're glad to see you here.
13 The Sisterhood certainly has a strong support for the
14 Brotherhood, and as a team we work to ensure that our
15 subsistence needs are met and we thank you for your work on
16 that regard.

17
18 CHAIRMAN THOMAS: Thank you.

19
20 MR. SALINAS: My name is Fred Salinas, I'm
21 the new assistant Forest Supervisor here in Sitka. And I
22 would like to welcome everybody on behalf of the Tongass and
23 behalf of the Chatham area.

24
25 Thank you.

26
27 CHAIRMAN THOMAS: Thank you.

28
29 UNIDENTIFIED VOICE: I work out of the Juneau
30 office for the Forest Service. I'm here, new to the region,
31 new to the area and here just to gain an understanding of the
32 working group.

33
34 CHAIRMAN THOMAS: Thank you. Well, thank you
35 very much. Now, that you're welcomed to Sitka, act like a
36 resident for a while. RK, do you have some comments?

37
38 MR. JOHNSON: Just a comments, Mr. Chairman.
39 I appreciate the opportunity to fill in here as the actor for
40 Fred Clark who's been on another assignment. I appreciate
41 the help from the Fish and Wildlife Service that's helped
42 pull the booklet together.

43
44 I have a couple of things that I would like to give
45 to the Council if it's appropriate at this time that are a
46 couple of tools that they may have seen or may have copies
47 of, I'm not sure. There's a publication, Goldschmidt and
48 Haas, Haanei, Our Land, I believe is how it's pronounced, you
49 tell me if I don't do that right. But I thought this was a

50 publication that's recognized across the state and

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1 internationally as a piece of work that was well researched
2 and well documented. And I think as the Council moves on
3 into other things, this publication will be very helpful, and
4 so I have a copy of that for each of the Council members.

5
6 MS. GARZA: Do we have to read it by
7 tomorrow?

8
9 MR. JOHNSON: There'll be a test. And the
10 second piece of information that I hope everyone has seen but
11 perhaps has not, is the speech and paper that was presented
12 at the Native Subsistence Rights Political Leadership Summit
13 by Bob Losher. I don't know if the Council members all have
14 copies of that or not but I have copies of that for each of
15 the Council as well.

16
17 For me it was probably one of the best pieces of
18 information that helped pull together, kind of the past, the
19 present and the future in the context of Title VIII. And it
20 also laid out again for me why subsistence is so important
21 and what things were given up in order for people to have a
22 program called the Federal Subsistence Program.

23
24 Lastly, I believe everybody on the Council has copies
25 of the actual fishery regulations which will be on another
26 agenda item but I wanted to make sure that, you know, we have
27 copies of that available, the actual Federal Register.

28
29 And again, I appreciate being here with the Council
30 and having the opportunity to serve in this capacity.

31
32 CHAIRMAN THOMAS: Thank you.

33
34 MS. McCONNELL: Mr. Chairman.

35
36 CHAIRMAN THOMAS: Mim.

37
38 MS. McCONNELL: I also wanted to make you
39 aware, I gave Dave a copy of a document called, Understanding
40 Subsistence, that is by -- it was done by RurALCap and I
41 received it in 1994, and I've hung on to it all these years.
42 And I ran across it the other day and remembered what a good
43 document it was. And I just gave a copy to Dave and he was
44 going to have 25 copies made and it will be out on this back
45 table here.

46
47 MR. JOHNSON: Right.

48
49 MS. McCONNELL: And I really urge you to go

50 ahead and grab a copy. It was very helpful for helping

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1 different view -- it's like you say a word and what does it
2 mean, like how do you describe the word, sustainable. And so
3 it's -- it helps you, different viewpoints, understand
4 opposite views. It's probably the best way to say what that
5 document is. But I urge you to read it.

6
7 CHAIRMAN THOMAS: Okay, thank you. Anybody
8 else? Dolly.

9
10 MS. GARZA: Maybe we could just have everyone
11 introduce themselves quickly.

12
13 CHAIRMAN THOMAS: They already did.

14
15 MS. GARZA: Only two people did.

16
17 CHAIRMAN THOMAS: Okay, starting with the
18 back row with Ida.

19
20 MS. HILDEBRAND: Ida Hildebrand, Federal
21 Subsistence Board Staff Committee member, BIA.

22
23 MR. DENTON: Jeff Denton, Anchorage Field
24 Office Bureau of Land Management.

25
26 MR. MARTIN: I'm Harold Martin. I'm the
27 Subsistence Director for Central Council. And I'm also the
28 president of Southeast Native Subsistence Commission.

29
30 MR. WILLARD: I'm Robert Willard, Juneau. I
31 represent the Southeast Native Subsistence Commission.

32
33 MR. CAPRA: Jim Capra, National Park Service,
34 Glacier Bay.

35
36 MR. KOHLER: Norman Kohler, I'm the STA,
37 Traditional Foods Program Coordinator.

38
39 MR. COPELAN: Dave Copelan, U.S. Forest
40 Service Law Enforcement and Investigation.

41
42 MR. HOPE: I need no introduction.

43
44 MR. SKEEK: Leonard Skeek, just a fisherman
45 visiting.

46
47 MR. MARTINEZ: Charles Martinez, I'm the ANB
48 president of Petersburg.

49

MS. WOOLWINE: Phyllis Woolwine, Forest

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1 Service, Ketchikan, Special Forest Products Task Group
2 coordinator for the region.

3

4 MR. YOUKEY: Don Youkey, Forest Service,
5 Yakutat, Hoonah, Juneau and Admiralty.

6

7 MR. THOMPSON: Ken Thompson, Staff Committee
8 Representative for the Forest Service.

9

10 MR. CASIPIT: I'm Cal Casipit. I'm a
11 subsistence staff biologist for the Forest Service regional
12 office.

13

14 MR. CLARK: I'm Fred Clark. I usually work
15 as the coordinator for this group but now I'm out on detail
16 as acting group leader for civil rights and tribal relations
17 for the Regional Forest Service.

18

19 MS. MASON: I'm Rachel Mason, Fish and
20 Wildlife Service and Regional Team Anthropologist.

21

22 MR. BOS: I'm Greg Bos with the Fish and
23 Wildlife Service Office, Subsistence Management in Anchorage.

24

25 MR. WILLIS: I'm Robert Willis, U.S. Fish and
26 Wildlife Service, Office of Subsistence Management in
27 Anchorage. And I'm the regional biologist for the Southeast
28 region.

29

30 MS. COLLINS: I'm Janice Collins and I'm with
31 U.S. Fish and Wildlife, and I'm the administrative officer
32 for the Subsistence Division.

33

34 MR. TUREK: I'm Mike Turek with Alaska
35 Department of Fish and Game, Division of Subsistence,
36 Southeast Region, Douglas Office.

37

38 MS. ANDREWS: And I'm Elizabeth Andrews,
39 Alaska Department of Fish and Game in Juneau.

40

41 MR. BROOKOVER: I'm Tom Brookover, the area
42 biologist for Sport Fish Division with the Alaska Department
43 of Fish and Game here in Sitka.

44

45 MR. SUMMERS: My name is Clarence Summers,
46 I'm with the National Park Service with the Environmental
47 Resources branch in Anchorage.

48

49 MR. CHRISTNER: Jere Christner with the

50 Forest Service in the Sitka office here.

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1 MR. SALINAS: I guess we get to go again. My
2 name is Fred Salinas, assistant Forest Supervisor.

3
4 MR. OSTBY: My name is Don Ostby and we're
5 all old friends.

6
7 MR. BARTEN: My name is Neil Barten and I
8 work for the Department of Fish and Game in Juneau with the
9 Division of Wildlife Conservation.

10
11 CHAIRMAN THOMAS: Mary.

12
13 MS. RUDOLPH: Mary Rudolph from Hoonah.

14
15 CHAIRMAN THOMAS: And your brother.

16
17 MR. ANDERSON: I didn't hear her. Lonnie
18 Anderson, I represent Kake on the Subsistence Advisory
19 Committee.

20
21 MS. McCONNELL: Mim McConnell, temporarily
22 Sitka resident, moving back to Port Alexander it looks like.
23 Always on the move, where the boat goes.

24
25 MR. GEORGE: Gabriel George from Angoon.

26
27 MS. GARZA: Dolly Garza. My mother's from
28 Craig, my father was from Klawock and I'm a Sitka resident
29 now and I keep trying to be a guest because then I get to go
30 to all the potlatches as guest but they keep calling me a
31 local now.

32
33 MS. WILSON: Marilyn Wilson, Haines, Alaska.

34
35 CHAIRMAN THOMAS: Bill Thomas, Ketchikan, I'm
36 the Chair.

37
38 MR. SORUM: Alan Sorum from Wrangell.

39
40 MR. KITKA: Herman Kitka, Sitka. As a
41 Kaagwantaan leader, I made it a point to welcome Staff as
42 they were coming in.

43
44 MR. VALE: I am John Vale from Yakutat.

45
46 MS. PHILLIPS: Patty Phillips, Pelican.

47
48 MR. JOHNSON: Dave Johnson from Craig, acting
49 coordinator and my old job was with the district staff and

50 subsistence coordinator for the Ketchikan area, Tongass. And

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1 I am Road Kill.

2

3 CHAIRMAN THOMAS: Salena.

4

5 COURT REPORTER: What?

6

7 CHAIRMAN THOMAS: Tell us who you are?

8

9 COURT REPORTER: I'm Salena, and I'm the
10 Court Reporter from Anchorage.

11

12 CHAIRMAN THOMAS: Thank you. Now, that
13 everybody remembers everybody's name. Hi, Rachel, that's
14 your name tag?

15

16 MS. MASON: What?

17

18 CHAIRMAN THOMAS: I know you're an
19 anthropologist.

20

21 MS. MASON: Oh, right.

22

23 CHAIRMAN THOMAS: In my report I made a
24 reference to ologist because I didn't know how many different
25 ologists we had here so.

26

27 Agenda items. Any changes or corrections to the --
28 oh, excuse me, travel update -- Janice.

29

30 MS. COLLINS: Good morning.

31

32 CHAIRMAN THOMAS: Good morning.

33

34 MS. COLLINS: One of my main reasons for
35 coming to this meeting and I'm very happy to meet you all is
36 the fact that on January 1st, Department of Treasury made the
37 Debt Collection Improvement Act a law.

38

39 Which essentially this means that all Federal
40 payments made to all people must be by electronic transfer of
41 funds. And I have placed in front of each of the Council
42 members a packet of papers. One is the letter addressing
43 this issue. The other is a form that I have created for each
44 of you that has your name and address and I ask that you
45 check that information and make sure it's correct. And then
46 it has the place for the information for your bank.

47

48 One of the things that I've been doing for the other
49 Councils is if you want to write the name of your bank in

50 there and write your account number and give them back to me

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1 before the end of today, I will take them back to Anchorage
2 with me and take them to the main branches of the different
3 banks and get them signed off so we can get this in and get
4 it processed. The blue form is a waiver form. They have
5 allowed us waivers, if you do not have an account at a
6 financial institution or it creates a hardship on you to have
7 electronic funds, then we've added another -- one of the
8 common other reasons that we've been receiving is that
9 people's term on the Council is up this year and they're not
10 reapplying. Waivers with the no account reason and that
11 reason are being accepted. One of the things I am
12 experiencing is they will not process our travel vouchers any
13 longer without either the electronic fund transfer or waiver
14 in place. And so the sooner we can get these done the better
15 off we are with this because I mean it's creating a lot of
16 problems for our office and for you not getting any
17 additional money that you're due for your travel.

18
19 The other form I will be handing you is this gold
20 form. If, upon, arriving at home, if you'd be sure to fill
21 this out and mail it back to me and we can get your travel
22 filed.

23
24 And I'm open to any questions that any of you have
25 regarding the process that we utilize for making your travel
26 arrangements or the way we handle our things from the Fish
27 and Wildlife Service.

28
29 CHAIRMAN THOMAS: Thank you. Is there
30 anybody here that has been having any problems with their
31 travel or reimbursement other than not enough per diem? I
32 think this Board is accustomed to \$350 a day per diem.

33
34 MS. RUDOLPH: Janice.

35
36 MS. COLLINS: Yes, ma'am.

37
38 MS. RUDOLPH: I wanted to know if we need
39 more than our account number?

40
41 MS. COLLINS: No.

42
43 MS. RUDOLPH: Do we need those numbers before
44 the account number on your checkbook? Because a lot of times
45 when I did that, they wanted the other numbers.

46
47 MS. COLLINS: No. What I've been doing, if
48 you provide me with your account number and a name of the
49 bank, they've been putting the routing codes and everything

50 on at the bank themselves.

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1 MS. RUDOLPH: That's what you call it?

2

3 MS. COLLINS: Yeah, the routing numbers. And
4 like I said, the Fish and Wildlife Service has been using
5 this electronic fund for about two or three, two years, three
6 years now and it works very well. Once we've processed your
7 travel voucher in our office and they're sent to our finance
8 center, you've been waiting possibly 10 to 15 days or longer
9 for your checks to arrive in the mail, with this electronic
10 transfer, the vouchers will be processed in our finance
11 center and I will receive an e-mail message that your payment
12 has been made, and then you will be notified by phone call
13 that it's been done and your money -- you should check your
14 account for your deposit.

15
16 CHAIRMAN THOMAS: Well.....

17
18 MS. COLLINS: And you know, this has only
19 been taking like five days.

20
21 CHAIRMAN THOMAS: Well, thank you. We don't
22 like asking questions of people that have answers, we like to
23 stick them. Thank you. Agenda items. Council members have
24 any additions, deletions? Marilyn.

25
26 MS. RUDOLPH: I was looking for the agenda,
27 where is it?

28
29 CHAIRMAN THOMAS: Right in the front part of
30 your -- right here.

31
32 MS. RUDOLPH: Oh, the agenda items?

33
34 CHAIRMAN THOMAS: Yeah.

35
36 MS. RUDOLPH: Well, Mr. Chairman, I move that
37 we use the agenda as a guide.

38
39 CHAIRMAN THOMAS: It's been moved to use the
40 agenda as a guide, do I hear a second?

41
42 MS. GARZA: Second.

43
44 CHAIRMAN THOMAS: It's been moved and
45 seconded. All those in favor say aye.

46
47 IN UNISON: Aye.

48
49 CHAIRMAN THOMAS: Those opposed.

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1 (No opposing responses)

2

3 CHAIRMAN THOMAS: We do have a guide. What's
4 your wishes of the minutes of October 8th and 9th in Haines?

5

6 MS. RUDOLPH: Mr. Chairman.

7

8 CHAIRMAN THOMAS: Marilyn.

9

10 MS. RUDOLPH: I have some corrections.

11

12 CHAIRMAN THOMAS: Let's hear the corrections.

13

14 MS. RUDOLPH: Is the public speakers, like
15 Lee Clayton is Chilkooot Indian Association. That's in
16 Haines. And Chilkat is Klukwan, so Chilkooot. And Paul
17 Wilson, Jr., is Chilkooot IRA, too, Indian Association. And
18 Charles Paddock, not Charles Padda, P-A-D-D-O-C-K, Paddock.
19 And he was speaking for SNSC Southeast Native Subsistence
20 Commission. And Art Jess, that Haines ANB Camp 5. And
21 that's all I have.

22

23 CHAIRMAN THOMAS: Thank you. Anybody else?

24

25 MR. JOHNSON: Mr. Chairman, I have a couple
26 comments on some of the questions that were raised in the
27 proceeding of last meeting that I want to share with the
28 Council.

29

30 CHAIRMAN THOMAS: We're still doing minutes.
31 Does this have to do with changing the minutes?

32

33 MR. JOHNSON: It has to do with information
34 that was requested in the minutes.

35

36 CHAIRMAN THOMAS: State them.

37

38 MR. JOHNSON: Page 23, regarding resubmission
39 of request for solicitor's opinion that came form from Mim
40 and John Vale, and then also Dolly, here's a copy of the
41 letter that went back to the Chair regarding the questions
42 that were identified in that section in the minutes.

43

44 Also, on Page 25, there were questions regarding Jobs
45 in the Woods Program. And doing some staff work on that I
46 found that the bottom line was nobody has money at this point
47 for that program but it's going to be revisited again in the
48 next budget cycle this coming fall. There have been jobs
49 identified. Forest Service has identified some work that

50 could be done in that program. But the person I contacted

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1 was Peter Ferer, and also Paul MacIntosh out at Forest
2 Service.

3
4 MS. McCONNELL: Mr. Chairman.

5
6 CHAIRMAN THOMAS: Mim.

7
8 MS. McCONNELL: Yeah, there's a correction
9 that needs to be made on Page 23, Mim Robinson needs to be
10 changed to McConnell. That's the only one I've spotted.

11
12 CHAIRMAN THOMAS: Big problem with Robinson
13 all of a sudden? I saw something in here I was going to
14 mention, too, but I don't know -- okay. Those notations are
15 acknowledged and corrections will be made. Any further
16 changes to the minutes?

17
18 MR. VALE: I would move to adopt these
19 minutes.

20
21 CHAIRMAN THOMAS: Moved to adopt, do I hear a
22 second?

23
24 MR. ANDERSON: Second.

25
26 CHAIRMAN THOMAS: Moved and second.
27 Discussion.

28
29 MR. VALE: Question.

30
31 CHAIRMAN THOMAS: Question's been called.
32 All those in favor say aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN THOMAS: Those opposed.

37
38 (No opposing responses)

39
40 CHAIRMAN THOMAS: Motion carries. Okay, now,
41 we're into reports so those of you that have reports have
42 them ready as we go along. We don't have an order for them
43 to be presented, we'll just -- we'll just make sure that the
44 Chairman that goes on first here.

45
46 Since our meeting in Haines, I attended the Elder's
47 Youth Conference in Anchorage. And I was sponsored by
48 SeaAlaska to attend that, and I served on the panel that
49 deals with Native issues. And that was the first opportunity

50 for that forum to have anybody from subsistence management to

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1 give them any kind of an overview with specific reference to
2 Title VIII, and it was just an overview.

3
4 Many of the people have heard that same information
5 either at regional meetings or other forums, wherever Federal
6 Subsistence Management may have been discussed. There wasn't
7 any question or answering after that, it was just a
8 presentation and then they moved on to other speakers and
9 that finished that part of the -- that finished my
10 involvement with that panel. This was just the early days in
11 the week preceding the AFN.

12
13 In November, our Task Force on C&T's met. I wasn't
14 able to detect any progress from that meeting. And we're
15 going to have a presentation from Staff regarding some of the
16 intricacies, if there's any, from that meeting and so I won't
17 attempt to duplicate that or err on the wrong side. So I'll
18 leave that for Staff to include in her presentation.

19
20 I had some observations with regard to C&T and I'll
21 share them with you. You've heard them before on some cases.
22 And these are strictly my observations. And the reason that
23 they're coming in this particular format is because we're not
24 sure what we're supposed to do with those eggs in the pan.
25 We don't know whether we're supposed to put fire under them
26 or turn them over when they cook on one side or not, so I'm
27 making reference to C&T's. Okay, I got these numbered.

28
29 The first thing is that the Board never issued a
30 determination on how they view using C&T as a management
31 factor. My personal view is if they would tell us why they
32 adopted this concept we might be of further assistance. I
33 saw this because it's not a requirement of ANILCA. Every
34 time we go there to meet we banter around different ideas,
35 different concepts trying to come up with something. But
36 it's difficult to -- if you're a counselor, it's tough to
37 counsel somebody if you can't get some idea of what the
38 problem is. And that's kind of what I see as where we're at
39 with that. And the more I look at this the more conflict I
40 see it to the provisions of ANILCA.

41
42 I see it as a version of Section .804 applied to
43 restrict eligible users as identified in .801. I'm positive
44 that the intent of this provision was honest and was not
45 aware of the cumbersome burden it would become. I would
46 suggest that the Federal Subsistence Board revisit their
47 applications and ambitions of using C&T as a management
48 factor rather than a reference of context used in dialogue.
49 Ten years ago C&T did not have a definition at the State

50 legislative level. It did not become a management component

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1 until ANILCA was implemented.

2

3 Moving on to other things, on January 30th, I went to
4 Prince of Wales Island to attend an island meeting that was
5 conducted by the Thorne Bay District. The meeting was held
6 in Klawock and was attended by more than 50 people, including
7 Staff and presenters. It had to do with -- let's see,
8 managing the road system on Forest Service lands; is that
9 correct? Managing roads is not my strong point so I -- the
10 Forest Service planning in excess of 12 meetings -- 13
11 meetings. They sound like a Native organization, they really
12 love to meet, those guys. To get as much input from the
13 effected public as possible. I didn't have much input on
14 that topic but I did offer a brief overview on Federal
15 Subsistence Management and the role of the advisory council.
16 I advised them that ANILCA was a congressional legislation
17 with a focus on conservation and natural resources
18 management. In my closing comments I invited questions
19 pertaining to Title VIII and one person asked me if we were
20 ever advised by any biologist suggesting a shortage of deer
21 on Prince of Wales Island. And I elaborated that question
22 was a response of no. And that was the end of the questions.
23 So I was impressed. They understood the implications of my
24 answer very well.

25

26 I was invited to Petersburg for a workshop pertaining
27 to protocol scheduled for March 12th and 13th. Did anybody
28 here attend that because I couldn't -- I had a conflict in
29 Saxman. We had a one year potlatch that went on down there
30 and I was a participant in that so I had a time conflict and
31 I wasn't able to attend the meeting in Petersburg.

32

33 But anyway, as I mentioned earlier, it's always good
34 to see everybody that's here. I've got a list of everybody
35 here but that would take unnecessary time to read. The mix
36 we have here is a very important matrix in order to make this
37 work. Because we have a represented in this room many
38 talents, many years of experience, many years of specialized
39 training. People that understand the requirements of
40 bureaucratic maneuvering. And so it requires a mix like that
41 in order for us to be progressive. I think we've done that.
42 We've hit some high spots and low spots, and I think we're
43 learning how to keep the scope on a more level plane. And as
44 resulting from that, I envision an improved future for fish
45 and wildlife and all concerned. And I just want to thank you
46 again for you being here and your participation and enduring
47 me in this position.

48

49 Thank you very much.

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1 That concludes my reports. Any questions or further
2 comments or reports of other people? Council members.

3
4 MR. SORUM: Chairman Thomas.

5
6 CHAIRMAN THOMAS: Alan.

7
8 MR. SORUM: I just wanted to cover some of
9 the local concerns that we have in Wrangell. Nothing is
10 pressing right now it's just things that are coming up on the
11 horizon. There's some things, I think that the Subsistence
12 Council should be involved with.

13
14 The first one is the Alaska Southeast Transportation
15 Plan. I have a sneaking suspicion that that's going to
16 impact us one way or the other. I don't know if it's going
17 to be good or bad, I hope that's something we're involved
18 with because it there's multiple trips made daily between
19 Mitkof, Wrangell and Prince of Wales, it is going to change
20 the way subsistence is conducted and I don't know what kind
21 of effect that's going to have.

22
23 There's still a lot of local concern about the Forest
24 Service bear management and the way they're conducting the
25 timber sales in that area. I don't know, it's not an
26 immediate thing but it's still an ongoing concern. A lot of
27 people that are involved with the State Advisory Committee in
28 Wrangell are concerned about the differences between State
29 proxy hunting and Federal proxy hunting. I'm still trying to
30 dig that out myself because I don't know enough about what
31 the differences are and why they're different.

32
33 So I just wanted to bring those issues up. As far as
34 the transportation plan, I just -- I know the State said
35 they're going to start their EIS immediately, so I hope -- I
36 mean I would assume the Forest Service is going to be up to
37 their ears in that process as most of it hinges on how the
38 improved roads on Wrangell, Prince of Wales.

39
40 Thank you.

41
42 CHAIRMAN THOMAS: Thank you. I think that's
43 encouraging involvement for me to hear. What I like to do in
44 my local community is to gather that kind of information from
45 people that are bringing concerns to our meeting, document
46 those concerns until you got enough of them to warrant a
47 productive meeting with an agency and kind of get your
48 discussions lined out. And invite who you think would be an
49 appropriate agency or a body or a forum to discuss those with

50 and don't wait until it reaches a point of crises, see. And

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1 a lot of times the crises is in disguise, and it turns out
2 that it's not really a crises.

3

4 But that's good activity. And I think more
5 communities could learn by being that involved, and thank you
6 for the update.

7

8 Anybody else?

9

10 MS. McCONNELL: Mr. Chairman.

11

12 CHAIRMAN THOMAS: Mim.

13

14 MS. McCONNELL: Mr. Chairman, I just wanted
15 to do a brief report. I went -- my husband and I both went
16 to the recent conference here held last week in Sitka called
17 Working Together Tourism in Southeast Alaska. And a lot of
18 -- there was -- I don't know what the actual count was but
19 there was probably about 150 people or so from around
20 Southeast that attendee this conference. And I think it was
21 a very important one and it was very interesting and it was
22 attended by a lot of people in the tourism industry and a lot
23 of Federal agencies, people that came to it. There were a
24 couple of State people there, one from DNR and one Fish and
25 Game, I think, person came. And a few individuals like my
26 husband and myself that just live here.

27

28 And I really encourage people to, if there's
29 opportunity in the future to attend something like that to go
30 to it and participate. Because decisions are going to be
31 made on what happens in wilderness places where many
32 subsistence foods are taken. And there was -- there was talk
33 now and then about doing limited entry. There was talk of,
34 you know, locking up places so that if you want to get into a
35 spot in the future when things start getting crowded, that
36 you have to get a permit and that kind of thing. And I just
37 think it's something that you need to keep your eyes open and
38 pay attention to what's developing as tourism becomes more
39 and more of an economic mainstay in communities. And just
40 try and stay involved in the process.

41

42 There was a steering committee -- the steering
43 committee that formed this conference added a few people to
44 it from people that attended the conference. And they're
45 talking about having another conference in the fall, so just
46 kind of keep your ears open for that and try and attend.

47

48 There were about 27 scholarships that were handed
49 out. Some scholarships even included travel and

50 accommodations. And I know the Forest Service contributed

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1 quite a bit of money to that, I think. So anyway, if you
2 have any further questions about it I can fill you in on some
3 of the stuff that was talked about.

4
5 CHAIRMAN THOMAS: Thank you.

6
7 MR. ANDERSON: Mr. Chairman.

8
9 CHAIRMAN THOMAS: Lonnie.

10
11 MR. ANDERSON: I'd like to emphasize a
12 warning that we have in Kake about the extensive logging
13 that's proposed at Kuiu Island for there. It's prime
14 territory and also extensively be used for subsistence for
15 the Kake residents there. We had a meeting with the Forest
16 Service a couple of weeks ago and we agreed to talk but
17 that's about the extent of it.

18
19 CHAIRMAN THOMAS: There's a general feeling
20 here that our agenda is not going to require the full two
21 days of our being here. And I had anticipated that questions
22 and discussions like this from the various communities we
23 could spend some time as a Council documenting those and kind
24 of putting them in some type of a presentation in order, and
25 compare them to see if they have supporting impacts or
26 influences on anything, whether it's trees or fish or game or
27 anything like that, and some of the contributing
28 circumstances around that. And if there's something that we
29 can offer that would enhance good stewardships out of those
30 resources, we want to be able to do that.

31
32 MR. CLARK: Mr. Chairman.

33
34 CHAIRMAN THOMAS: Fred.

35
36 MR. CLARK: Dave and I were talking last
37 night about the Council's annual report and that would be a
38 good place to put comments such as these in an organized
39 fashion. And we talked about maybe getting together a group
40 of people to look at the types of things that should be going
41 into the annual report and developing, actually the context
42 of the annual report. And I think that would be an excellent
43 way to develop exactly what you're talking about Mr.
44 Chairman.

45
46 CHAIRMAN THOMAS: Thank you. I'll put you as
47 Chairman of our annual report. Mary.

48
49 MS. RUDOLPH: They're going to have a Common

50 Grounds meeting in May in Hoonah. And one of the things

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1 that, I'm not on the board anymore, I missed the deadline on
2 running again after the fire in our home. But I did attend
3 the teleconference and I was kind of surprised that there's
4 still hardly any knowledge of what the role of this Council
5 is. And so one of the things we talked about was trying to
6 bring it up so that we can have better explanation of what
7 our roles are for the villages so they get more knowledge.
8 And one of the things they talked about was Dave Johnson
9 being a participant so that he can explain, again, what the
10 role of -- the thing that kind of fascinated our Forest
11 Service there was the archaic -- compare with the archaeus.
12 But he's anxious to meet him.

13
14 One of the concerns we are having in the village is
15 we are having more logging going to be done there whether
16 it's for the Forest Service or the corporations. It has
17 divided quite a bit of our people there and there is more
18 planning for more logging. And so I think it'd be a good
19 idea if it would be something that we could put together, our
20 concerns.

21
22 Thank you.

23
24 CHAIRMAN THOMAS: Thank you. That's one
25 point where I feel a little bit of criticism is in order
26 because we met there. That was one of the first isolated
27 areas we met for the sole reason of informing the people of
28 what we are all about. And I think the only one that showed
29 up there was Sam Hanlin and Frank Seesh at our meeting and
30 Greg Brown, you know. And that was a disappointing turnout
31 because it was well announced and we were there several days,
32 we were storm bound -- were we storm bound in Hoonah or was
33 it Kake?

34
35 MS. McCONNELL: That was Kake.

36
37 CHAIRMAN THOMAS: Every time we leave the
38 urban areas we get storm bound.

39
40 MS. RUDOLPH: Mr. Chairman, I wasn't on the
41 Council but I did attend the meetings when you came to Hoonah
42 but there was no knowledge of -- no one had any idea what the
43 group was doing there and what their role was. So there
44 wasn't that much of a flyer being sent out that there was
45 going to be meetings there, so, as you can see when they did
46 have the lunches and stuff it was last minute, put together.
47 So there was no prearrangements being made. So I think even
48 seeing the crowd here now, today, is, I think really
49 encouraging. I think it would be much better for the

50 villages that they -- like this common grounds meeting

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1 they're having, that's bringing a little more knowledge to
2 the villages, too.

3

4 Thank you.

5

6 CHAIRMAN THOMAS: That was pretty good food
7 for it being last minute.

8

9 MS. RUDOLPH: I was there.

10

11 CHAIRMAN THOMAS: But anyway, for those of
12 you that might be from smaller communities, if our meetings
13 are scheduled there and you know that they're there, we try
14 to use as effective ways of notifying. We got in trouble for
15 using telephone poles for nailing posters on so we can't do
16 that, so we shot down the poles. We do publications in
17 newspapers, we send posters to the communities, we try to
18 find somebody that's willing to hang those notices. And if
19 you got a TV, means of advertising at no cost, we take
20 advantage of those. The only time I buy TV time is when
21 we're recruiting for Council members. But we try to take
22 advantage of as many ways to advertise these meetings in
23 communities. And we really encourage people from the
24 communities to attend these meetings. I'm really pleased to
25 see the people from Sitka at this meeting that are fishermen
26 and want to have some idea of what we're doing.

27

28 And if there's anything about what's happening for
29 the people of Sitka that you don't understand, don't be
30 afraid to ask questions. If you have a question regarding
31 something that we haven't discussed, ask those, and I'll
32 refer you to Alan.

33

34 MS. WILSON: Mr. Chairman.

35

36 CHAIRMAN THOMAS: Marilyn.

37

38 MS. WILSON: I wanted to know if these
39 meetings, do letters go out to the local Fish and Game
40 Advisory Committees?

41

42 MR. JOHNSON: The response to that Marilyn,
43 this year, Road Kill Johnson let some things fall between the
44 chairs and I apologize, not everything went out to everybody
45 that probably should have seen that. I wanted to make sure
46 that the Council members got their information and there was
47 other information that went out to some folks but I'm not
48 sure it got to everybody.

49

One of the things we did do, though, for the first

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1 time, I believe, was the Eagle Eye Journal, we posted it on
2 their website. And I had several people contact me from that
3 website listing that also has a link back to the Federal site
4 in Anchorage. And people said they really appreciated being
5 able to just log on at their leisure and find information
6 that way. But yes, there was not information sent out to
7 everyone that probably should have received it this year, and
8 it was my fault.

9

10 MS. WILSON: Okay, the reason I was asking is
11 because last year, I'm not on the Fish and Game Council
12 anymore -- or Committee up in Haines, but I couldn't find any
13 of our committee members to attend the meeting. And I tried
14 to find a list of the committee members and I couldn't even
15 find that. And I'm -- I think we need to send notices to our
16 Fish and Alaska -- Department of Fish and Game Advisory
17 Committees.

18

19 MR. CLARK: Mr. Chairman.

20

21 CHAIRMAN THOMAS: Fred.

22

23 MR. CLARK: The Alaska Department of Fish and
24 Game is well informed about when our meetings and when
25 they're going to be. And the Division of Board sends stuff
26 to local advisory committees and tries to keep those
27 involved.

28

29 MS. WILSON: Okay.

30

31 MR. CLARK: In the past I've been very
32 involved with the local manager for the advisory committees
33 so there has been information that has been distributed in
34 the past. It can always be done better though.

35

36 CHAIRMAN THOMAS: Oh, really.

37

38 MR. JOHNSON: Also we did get information
39 sent to a number of the ADF&G individuals, Elizabeth Andrews
40 received information and other of her staff regarding
41 the.....

42

43 CHAIRMAN THOMAS: Greg.

44

45 MR. BOS: Yes, Mr. Chairman, the Office of
46 Subsistence Management has a mailing list of about 2,500
47 people around the state that we send proposal booklets to.
48 And included in that list is the State's list of advisory
49 committee members. Of course, there's always a problem in

50 updating those lists as new people are elected to those

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1 committees and others resign. But I think we have it an up
2 to date a list as the Department of Fish and Game, Division
3 Board has on file. So many of the advisory committee members
4 in Southeast Alaska should have received copies of the
5 proposals.

6
7 MR. CLARK: Mr. Chairman.

8
9 CHAIRMAN THOMAS: Fred.

10
11 MR. CLARK: That's also one of the
12 responsibilities of the Council members, is to make sure that
13 they are reaching out to the people in their communities
14 because they are the representatives. That's one of your
15 major chores to do. And if anybody wants assistance in
16 carrying out that responsibility, we've always tried to be
17 available if you want us to help do that, too.

18
19 CHAIRMAN THOMAS: Mim, did you and Dolly
20 reach out?

21
22 MS. GARZA: We got Sitka here don't we?

23
24 CHAIRMAN THOMAS: Yeah.

25
26 MR. JOHNSON: Mr. Chairman, also something
27 that's been a real help for me, I would guess that for other
28 agency member individuals that are not familiar with Title
29 VIII, for other members in the community, this operations
30 manual that Fish and Wildlife Service has put out for Council
31 members, I found it to be extremely helpful in understanding
32 the process of how the Federal Subsistence Program works.
33 It's user friendly. It's written for non-bureaucrats and I
34 like that. It's just easy to follow.

35
36 CHAIRMAN THOMAS: So follow it.

37
38 MR. JOHNSON: What's that?

39
40 CHAIRMAN THOMAS: So follow it.

41
42 MR. JOHNSON: Well, we've sent out additional
43 copies of that, additional copies from Taylor. And so the
44 people that are getting this, we'd like to have some more
45 copies to share, so.....

46
47 CHAIRMAN THOMAS: Okay. Mim.

48
49 MS. McCONNELL: Yeah, I just found a -- when

50 getting ready for this meeting, I found the results of our

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1 work session at our last meeting, that we came up with a
2 mission statement for the Council. And I was just noticing
3 in here, encourage local and regional participation and
4 decisionmaking, and we listed three things. Attend local
5 advisory committee meetings, attend State Board meetings, and
6 public outreach publicity including press releases and
7 notices. But this was our list of goals and objectives for
8 the Council.

9
10 But I also, since I've got the mic here, I would
11 encourage that this list that we came up with be published in
12 all future booklets for meetings so that it's fresh in our
13 minds for each meeting, and just as a reminder of what we're
14 about. And if anybody wants to look at this again, it's
15 sitting here.

16
17 Thank you.

18
19 CHAIRMAN THOMAS: That's trivial things, Mim.

20
21 MS. McCONNELL: It's.....

22
23 CHAIRMAN THOMAS: That's trivial. John.

24
25 MR. VALE: I just wanted to give you a brief
26 update on the business of the Wrangell-St. Elias Subsistence
27 Commission. And most of you will probably remember at our
28 last meeting, you know, I highlighted some of the issues
29 we're dealing with and I wanted to do that again.

30
31 One issue is we're considering a recommendation to
32 the Secretary to have a one year residency requirement before
33 somebody would be allowed to -- to be a qualified subsistence
34 user. That is, they move into a resident zone community
35 around the Park, they'd have to live there a year before they
36 could become qualified to subsistence use in the Park.

37
38 Last year we passed an amendment that would provide
39 an exception to those folks who live in resident zones around
40 other Parks in the state. And at the Commission Chair's
41 meeting which occurred in October, I felt it was a good idea
42 to consult with these other Commissions to see if they
43 thought that that was something they appreciated and wanted
44 some feedback from them. And we'll be meeting next month,
45 April 18th, in the Copper River Valley and we'll be hearing
46 back from those Commissions and I think we'll be taking some
47 final action on this residency requirement. So I just wanted
48 to update you on that.

49

50 Another issue was migratory birds that the

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1 Commission's been dealing with. And we'll hear more about
2 migratory birds later but the main issue here is that the
3 Commission, for some time, has been trying to get a fall
4 hunting season as occurs throughout the state under State --
5 the State hunting program. Those are presently not allowed
6 in the Park. And we thought that the amendments that were
7 being posed to the Migratory Bird Treaty Act would bring
8 about the, you know, a fall hunting season in the Park areas
9 for qualified subsistence areas and apparently that's not the
10 case. The Park Service, you know, in Title VIII it did
11 provide an exception for migratory birds, and as what ANILCA
12 applied and -- so the position with the Park Service is that
13 waterfowl aren't part of Title VIII, and so a hunting season
14 for migratory birds is not allowed.

15
16 We'd hoped, like I said, that these changes within
17 the Treaty would bring that about but basically what we're
18 hearing from the Fish and Wildlife Service is that it's on
19 the Park, it's a Park Service issue and that they can't
20 create regulations that allow for the hunt on the Park
21 Service lands and the Park is saying that they can't do it
22 because migratories are exempt -- birds are exempted from
23 Title VIII. And so the Commission raised this as an issue
24 with the other Resource Commissions and we're interested in
25 what they have to say about this, if it's an issue to them,
26 and we expect to hear back on it. And I don't know where
27 we're going to go with it. But in the eyes of the Commission
28 members, they would like to see a fall waterfowl season and
29 we presently don't have it and it doesn't like we're going to
30 get it. It is an issue.

31
32 Lastly, you may remember there's been an effort on
33 the Commission to get the use of ATVs allowed in the
34 Malaspina Forelands, portions of the Park. And the
35 Superintendent, after some research has decided that -- made
36 a determination that all terrain vehicles were used,
37 historically, in the Park and at our next meeting here we're
38 going to talk about some sort of management regime that would
39 allow for the use of ATVs in the Malaspina Forelands. So
40 that's a positive note there for the folks in Yakutat.

41
42 And lastly, my appointment from the Council here on
43 the Resource Commission has expired and needs to be -- that
44 position needs to be reappointed. And I would suggest and
45 recommend that this be an agenda item for the fall meeting,
46 to appoint somebody to the Commission. We could do it now
47 but I'd like to cultivate interest from other parties, other
48 people in Yakutat in the Commission, and so I would like to
49 see it advertised, this position or appointment, advertised

50 and perhaps starting next fall sometime. And I'm still

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1 willing to continue on the Commission but I want to make more
2 people aware of the Commission, what we're doing and the
3 Council's role in that. So I'd like to see the Park Service
4 and Forest Service advertise that appointment and that it be
5 put on the agenda for the fall meeting.

6
7 And that's all I have, thank you.

8
9 CHAIRMAN THOMAS: Thank you, John. What's
10 the discussion on the birds, is there a shortage, is it on
11 the verge of extinction or what's happening?

12
13 MR. VALE: Well, basically you have fall
14 hunting season throughout the state but it doesn't apply on
15 Park lands because there's no hunting season on Park lands.
16 The Commission wanted to have a fall hunting season as occurs
17 everywhere else on Park lands for qualified subsistence users
18 and we were developing a recommendation to the Secretary
19 requesting that to occur. Like I said, though, there is an
20 exemption under Title VIII for migratory birds. And we had
21 some interplay in the discussions prior to the amendments, I
22 guess, incorrectly we felt there was going to be something
23 occurring in that process that would allow for this fall
24 hunt. But that's not the case.

25
26 And there's, you know, the -- well, as I mentioned
27 Fish and Wildlife Service doesn't seem to feel they have the
28 authority to set up a hunt and the Park Service doesn't
29 either, so it looks like if we want that to happen it's going
30 to require an amendment to Title VIII. But we're continuing
31 to work on this and it is an issue.

32
33 CHAIRMAN THOMAS: Thank you, John. Ida.

34
35 MS. HILDEBRAND: Ida Hildebrand, Staff
36 Committee member. In response to John's report and statement
37 about the Park Service and not allowing birds being taken, I
38 suggest that the Council read Title II of ANILCA. In every
39 instance that I've read it it says that subsistence use will
40 be allowed consistent with Title VIII. And in particular
41 areas of Title II, it does mention waterfowl. So if the Park
42 is telling you no, I'd suggest the SRC bring those -- bring
43 Title II to their attention and SRC members all read Title
44 II. All of it does as consistent with Title VIII.

45
46 Thank you.

47
48 MR. VALE: Title II in ANILCA previous title,
49 not the subsistence chapter?

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1 MS. HILDEBRAND: Title II of ANILCA addresses
2 Park Service specifically. Title VIII addresses subsistence
3 use. Title II says Park Service consistent with Title VIII.
4

5 MR. VALE: Okay, thank you, I'll take a look
6 at that.
7

8 CHAIRMAN THOMAS: We'll have Mr. Summers make
9 any necessary adjustments we need for that.
10

11 MR. VALE: I should mention though, that
12 waterfowl hunting is allowed on the Preserve portions of the
13 Park, only the hard Park where it's prohibited.
14

15 CHAIRMAN THOMAS: Okay.
16

17 MS. McCONNELL: I just might mention here,
18 that in ANILCA here, Title II, is titled National Park
19 system. Anyway, it's in our book.
20

21 CHAIRMAN THOMAS: We're going to give the
22 Park Service the rest of the day to defend themselves.
23 Clarence.
24

25 MR. SUMMERS: Sure, I'll just stand -- I
26 don't know if you can hear me, should I go to a mic?
27

28 COURT REPORTER: Go to a mic.
29

30 CHAIRMAN THOMAS: Go to a mic.
31

32 MR. SUMMERS: Sure.
33

34 CHAIRMAN THOMAS: Go to a mic, Clarence.
35

36 MR. JOHNSON: Mr. Chairman, Section Q of your
37 booklets relates to Migratory Updates, it may pertain to some
38 of the information also.
39

40 CHAIRMAN THOMAS: Clarence, go ahead,
41 enlighten us.
42

43 MR. SUMMERS: Certainly. Clarence Summers,
44 National Park Service. Boy, maybe I just have two pieces of
45 information. It's a letter from the Secretary of Interior's
46 Office, and it addresses the request. In 1994, the
47 Commission wrote the Secretary requesting a fall season in
48 the Park, and this response is from, at the time, George
49 Frampton, Assistant Secretary. And it states, currently in

50 the National Park, not in the Preserve lands, but in the

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1 National Park, Title VIII provisions are allowed. Title VIII
2 wildlife taking provisions that are in regulation 50 CFR,
3 that's authorized.

4
5 Because the migratory bird regulations, taking
6 regulations are not Title VIII. That's where the problem is.
7 And so there's a recommendation, currently, that the
8 Commission pursue this and I think John's trying to do that.
9 And I -- one of the options would be to amend ANILCA to
10 recognize this somehow.

11
12 CHAIRMAN THOMAS: This report already a part
13 of our agenda, we'll take time after we finish the agenda to
14 elaborate on some of these comments that have been brought
15 before us. So there'll be time before we leave here to do
16 that.

17
18 MR. SUMMERS: Certainly. And I'll make
19 copies of the letter and get a briefing package on this and
20 make it available to the members.

21
22 Thank you.

23
24 CHAIRMAN THOMAS: Okay, thank you, Clarence.
25 We're going to take a five minute break, we're hooking up a
26 teleconference with NASA, so we'll take a five minute break.

27
28 (Off record)

29
30 (On record)

31
32 CHAIRMAN THOMAS: Shall we get back to our
33 seats and come back to order, please. Public comment is the
34 word of the day. If any of you have something urgent to say
35 identify yourself as public.

36
37 We took a break because we don't know who or from
38 where, but people have calling in with a sense of urgency
39 that felt like they need to be heard at this forum. We're
40 able to accommodate that. And the hook-up is back there by
41 that monitor, and I think Clarence is going to be our -- are
42 you going to be our Lilly Tomlin?

43
44 MR. SUMMERS: Sure, I'll be the phone
45 operator if you want.

46
47 COURT REPORTER: Thank you.

48
49 CHAIRMAN THOMAS: Okay, appreciate that.

00028

1 MS. McCONNELL: Mr. Chairman.

2
3 CHAIRMAN THOMAS: Mim.

4
5 MS. McCONNELL: Just some information, that
6 Understanding Subsistence document I mentioned earlier, will
7 be available after lunch here, it's being copied. So check
8 at the table back there after lunch.

9
10 CHAIRMAN THOMAS: Thank you. There was one
11 thing I forgot to include in my report. You guys asked me to
12 attend the Board meeting that was held in Ketchikan in
13 October. We had two proposals to comment on, one we
14 supported and one we didn't. And I went there carrying the
15 banner of the Council. Was well received. I was allowed 20
16 minutes at the mic and it took me about a minute and 15
17 seconds to give my report and I wanted to use up the 20
18 minutes but they denied me that opportunity. But it went
19 well. But I did give the report at the Board meeting
20 regarding the bear activity in Units 1, 1(A) and 1(C), I
21 think it was.

22
23 MS. McCONNELL: It was around Wrangell, I
24 think.

25
26 CHAIRMAN THOMAS: Yeah, yeah.

27
28 MS. McCONNELL: So did that pass?

29
30 CHAIRMAN THOMAS: Oh, I don't know what
31 action they took. They didn't get to the action parts of
32 the.....

33
34 MS. McCONNELL: Until later?

35
36 CHAIRMAN THOMAS: They were just taking
37 comments, yeah. I'm sure it passed because of the really
38 eloquent presentation. Okay, does that -- Gabe.

39
40 MR. GEORGE: Yeah, Mr. Chairman, I got a call
41 -- you know, you brought up the bear issue, I got a call from
42 Fish and Game stating that they're going to create a task
43 force on the bear management issue, and they asked if I'd be
44 interested and they also mentioned that they wanted somebody
45 from the Council, at which point I said, call you. Because I
46 think everything -- anything that comes out of the Council
47 should be a Council decision or a Chairman's decision so I
48 asked them to call you. I don't know if they did or not, but
49 I just thought I'd report that.

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1 Secondly, I'm not reapplying for the Subsistence
2 Council this year, and if nominated will not serve, if
3 drafted I will not come. But I appreciate my time on the
4 Council, I enjoyed working with everyone and all, but I think
5 I'll probably go on and go fishing or go do something else.

6
7 CHAIRMAN THOMAS: Are you going into
8 politics?

9
10 MR. GEORGE: No, I don't think so. But
11 that's all.

12
13 MS. GARZA: You got a replacement in line?

14
15 MR. GEORGE: No, not really.

16
17 MR. ANDERSON: Mr. Chairman, is the public
18 open? We have fishermen here that look like they may want to
19 ask some questions.

20
21 CHAIRMAN THOMAS: Well, our agenda says 11:00
22 o'clock, since we're as user friendly as we are, by all
23 means.

24
25 MR. MARTINEZ: Charles Martinez, it's not a
26 fishermen's question.

27
28 COURT REPORTER: Wait a minute.....

29
30 MR. MARTINEZ: This is more on the.....

31
32 COURT REPORTER: Wait a second. Could you go
33 up to the.....

34
35 CHAIRMAN THOMAS: Oh, yeah, the table over
36 there.

37
38 COURT REPORTER: Thank you.

39
40 MR. MARTINEZ: Charles Martinez from
41 Petersburg. Our problem is we encapsulated our garbage and
42 we're shipping it out of town. We have quite a problem with
43 black bears. Fish and Game doesn't want to do anything about
44 it. The local police department doesn't feel that they have
45 any right to do anything about it. Yet, they're endangering
46 our children. We just put 20 new houses T&H did, and it's
47 out by the airport, if you know Petersburg, which is a new
48 area, which was an area that the black bear were normally
49 found in, and the dump is right there. They have actually

50 taken a few bear and taken them out as far away as Kuiu

00030

1 Island, which is two islands away and four days later they're
2 back in the area.

3

4 We have gotten no resolve from this. The City
5 Council doesn't want to do anything about it. And I was
6 wondering if you could, maybe address the issue or even look
7 into it?

8

9 Thank you.

10

11 CHAIRMAN THOMAS: Thank you. I'm not a very
12 good shot so are they a real close shot?

13

14 MR. MARTINEZ: Yes, they are. Right outside
15 your porch.

16

17 CHAIRMAN THOMAS: That's no guarantee for me.
18 My stories are much better than my results.

19

20 MS. PHILLIPS: Chairman Thomas.

21

22 CHAIRMAN THOMAS: Patty.

23

24 MS. PHILLIPS: There was a bear carrying
25 capacity study done and I think it was from the Forest
26 Service. And I found out about it after the fact but there
27 was a public comment period and I really feel that this
28 Council should have been a part of the process or been given
29 information so they could submit comments to that document
30 being's how we are the -- we have priority over the
31 consumptive use of fish and wildlife -- or wildlife.

32

33 And I don't really have a whole lot of information
34 about it other than what was up -- some comment that was e-
35 mailed on to me. And so I just wanted.....

36

37 CHAIRMAN THOMAS: We'll try to elaborate on
38 that after we get into a general discussion after we complete
39 our agenda.

40

41 MS. PHILLIPS: Okay.

42

43 CHAIRMAN THOMAS: Because there's just some
44 general comments that we're going to be addressing.....

45

46 MS. PHILLIPS: All right.

47

48 CHAIRMAN THOMAS:to see if there's some
49 way we can't find a way to pursue them. Thank you.

00031

1 MS. PHILLIPS: Thank you.

2
3 CHAIRMAN THOMAS: Fred.

4
5 MR. CLARK: Mr. Chairman, we have some people
6 from the Forest Service who have some knowledge of that study
7 and they're willing to give a little briefing and talk with
8 the Council about how the Council might be more involved in
9 that in the future. We could either do that now or wait
10 until later in the agenda.

11
12 CHAIRMAN THOMAS: I think we'll do that
13 after, like I said, we'll finish our agenda, we'll compile
14 the comments that are being made around that, and that will
15 further our elaboration on some of the comments that were
16 presented that are not on the agenda. So we appreciate you
17 being able to do that.

18
19 MR. CLARK: Thank you, Mr. Chairman.

20
21 CHAIRMAN THOMAS: Dolly.

22
23 MS. GARZA: In terms of activities of the
24 other Council members, I'm the Chairman of the Alaska Native
25 Science Commission, which has been in existence for about two
26 years. The purpose of the Commission is to facilitate
27 research activities between rural and Native Alaska and
28 research at large to make sure that the research is relevant,
29 to make sure that the research is approved by the communities
30 that are involved and to make sure that that information gets
31 back to communities. The Science Commission received an EPA
32 grant and is in about a three year process of going to each
33 region and accumulating information to find out what are some
34 of the contamination issues for subsistence foods. And what
35 are the issues in communities in terms of changing
36 environmental patterns or changing resources.

37
38 We had the southeast meeting the last week of January
39 here in Sitka and a few people from the Council attended it.
40 We tried to -- we could not bring in someone from every
41 community but we did try to get a variety of user type so we
42 had basket weavers, sea otter hunters, deer hunters, people
43 who went out and used the resources. That report is being
44 compiled now and as the information becomes available, I'd
45 like to share it with the Council and hopefully get further
46 input from the Council.

47
48 Thank you.

49

CHAIRMAN THOMAS: Thank you. Just to check

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1 on impromptu reports. Did you attend that protocol meeting
2 in Petersburg? Do you have enough recollection to give us an
3 idea of what might have happened. I think yours is more
4 credible. It doesn't have to be very much, whatever you
5 think comes to your mind. I apologize for the impromptu but
6 the curiosity is killing me.

7
8 MR. MARTINEZ: Well, I listened to it on the
9 radio, we were cooking for the Fund. We fed the Forest
10 Service people that were there. The meeting seemed to have
11 gone very well. The biggest problem -- or the biggest
12 question that the community had was the permits and talking
13 about permits and finding out whether we were going to have
14 to -- if we wanted to go pick a pound of blueberries whether
15 we were going to have to get a permit from the Forest
16 Service. It turned out that the Special Forest Products that
17 they were talking about was more on a commercial level and to
18 see who would put those permits out. Whether it would be the
19 local IRA or through the Forest Service or the Forest Service
20 themselves. I think those questions were answered in a
21 positive way and saying that they would be working, I think,
22 site by site, rather than one blanket or an administrative
23 purpose that they had.

24
25 The rest of it was just on protocol. We had people
26 from Ketchikan that spoke, a few elders from our town. And
27 it seemed to have gone really well.

28
29 CHAIRMAN THOMAS: Good.

30
31 MR. MARTINEZ: I didn't hear any negative --
32 everybody loved the food so that was the only thing I was
33 worried about.

34
35 CHAIRMAN THOMAS: That's what makes proper
36 protocol. Thank you very much.

37
38 MR. MARTINEZ: You're welcome.

39
40 CHAIRMAN THOMAS: Okay, with that, it looks
41 like we're ready to jump in and challenge our ledger full of
42 proposals. So that will take us to Tab M. Boy, you thought
43 we couldn't find the proposals on our own or what? And who's
44 introducing them? Robert.

45
46 MR. WILLIS: Thank you, Mr. Chair. Proposal
47 No. 1 was submitted by our own Marilyn Wilson of the
48 Southeast Regional Advisory Council. It would establish a
49 moose season in Unit 1(D), extending from September 15 to

50 October 15 with the harvest limit of one bull by Federal

00033

1 permit.

2

3 You have a map in your book showing Unit 1(D), and
4 Mr. Neil Barten of the Alaska Department of Fish and Game
5 also has some other maps to show a little bit later on.

6

7 Currently, we have no open season for moose in Unit
8 1(D) under the Federal subsistence regulations. There is a
9 State Tier II hunt in that area which lasts from September 15
10 to September 30, and the harvest limit is one bull with
11 spike-fork or 50-inch or greater antlers under the State
12 regulation. There is no general State season for residents
13 and no season for non-residents in the area, just the State
14 Tier II hunt.

15

16 And the residents of Unit 1(D) are those that have
17 been determined to have customary and traditional use of
18 moose in 1(D). Most of the moose in 1(D) are found in the
19 Chilkat River watershed and the Chilkat Peninsula on the
20 western side of Lynn Canal, which is the side that Haines is
21 located on. The Alaska Department of Fish and Game survey
22 numbers indicate that the population peaked back in the mid-
23 1960s at about 700 animals. Since that time it's been in
24 decline, possibly due to over browsing on the winter range
25 and possibly to over harvest. The best estimate now in that
26 area is about 300 to 400 animals.

27

28 There's only one area of Federal public lands in Unit
29 1(D) that's known to have moose and that's the Katzehin River
30 drainage on the eastern side of Lynn Canal. That's a fairly
31 small area, as indicated on your map. And the Alaska
32 Department of Fish and Game and the Forest Service got
33 together back in February and made a special flight up there
34 to count the moose in that area. We knew there were some in
35 there, probably not very many but we wanted to find out as
36 close as possible how many prior to the meeting. They
37 accomplished that and counted only four moose in that
38 drainage. The sightability was about like it is around
39 Yakutat and Berners Bay where they do moose counts. So they
40 estimated they saw about 50 percent of the moose. So you're
41 talking about a population of probably eight or 10 animals,
42 maybe a few more than that was all that was located in that
43 drainage.

44

45 At this point what I'd like to do is call on the
46 biologist who made that flight, Neil Barten is with us today
47 and he was good enough to put together some more information
48 on harvest in Unit 1(D) that he thought the Council might
49 find useful. So with your permission, at this time, I'll

50 call on Neil to go up to the screen and put his charts and

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1 graphs and maps up there. And, after he finishes then I'll
2 summarize with the analysis.

3

4 CHAIRMAN THOMAS: Okay, if we do adopt the
5 season, maybe they'll want me to be their designated hunter.

6

7 MR. WILLIS: That could be very well, Bill,
8 you're probably on top of the list.

9

10 CHAIRMAN THOMAS: That would be a pretty safe
11 move.

12

13 COURT REPORTER: I have that mic hooked up
14 for you.

15

16 MR. BARTEN: Oh, okay, I'll give you yours
17 back.

18

19 CHAIRMAN THOMAS: If you try to make our
20 Recorder look bad I want you to knock it off.

21

22 MR. BARTEN: Is this okay?

23

24 COURT REPORTER: Yes.

25

26 MR. BARTEN: Hello, okay, cool. Well, thank
27 you for inviting me here, even if you didn't I showed up.
28 But I've just got a few maps of the moose range in the Haines
29 area and then on where most of the kills take place and then
30 a couple of tables that I want to show you to help you
31 interpret what's going on up in that area.

32

33 This is just a copy of a topographic map I just made
34 the other day just to kind of give you an idea. The hatched
35 area is basically moose habitat up in Unit 1(D) or the Haines
36 area. Basically you got steep sided mountains and you've got
37 river valleys and the moose are pretty much -- the habitat is
38 down in the river valleys itself. Some of the areas,
39 especially up along the major -- up along the Chilkat River
40 here, is really the major moose habitat in Unit 1(D). The
41 area where most of the hunting takes place is right along
42 where you see the hatch again, and that's basically along the
43 road corridor and also along the Chilkat River where the
44 people are able to access the area boats, both air boats and
45 like up the Klaheni and Takhin with air boats a little bit,
46 and also jet boats and going up the upper Chilkat towards the
47 Kelsall. There's also few moose taken here on the Chilkat
48 Peninsula each year. I don't think we've ever had, at least,
49 our data base doesn't show any moose ever being taken out of

50 the Katzehin River. Logistically it's difficult to get to,

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1 you either have to fly in, which would be, you know, fairly
2 expensive and there's not -- there's one strip at the mouth
3 of the river, and I don't know of any other strips in there
4 and it'd be very difficult to access.

5
6 And this is just a table of kind of the moose kill
7 and the permits that are issued year-to-year. And like
8 Robert said, we manage the hunt with a Tier II subsistence
9 hunt. And we issue 200 permits a year. I believe in '97 and
10 '98 we had approximately 300 applicants for the permits and
11 we issued 200. The total number of people who actually get
12 permits and hunt are listed here and both in '96 and '97
13 approximately 75 percent of the people who did get issued
14 permits hunted. And the harvest, we've got a quota -- or
15 management strategy of about 24 to 30 bulls we would allow
16 harvested. Both in '97 and '98, '97 17 animals were
17 harvested and in '98 19 were. This data isn't available yet.

18
19 But if you look at the number of hunters there are a
20 number of people who get permits who don't use them. And the
21 opportunity is certainly there for more moose to be taken if
22 the effort is put in. And given the fact that there's really
23 no Federal land, accessible Federal land with a moose
24 population that's huntable, you know, it doesn't -- and given
25 that this is a Tier II subsistence hunt, this is -- and the
26 way it lays out for moose kill year-to-year, nearly all the
27 moose are taken from -- by residents of either Haines or
28 Klukwan or Skagway. And so you know, it is pretty much a
29 local moose hunt here, you know, one or two animals are taken
30 by residents of Juneau who, you know, given the Tier II
31 application process may have lived in Haines, I'm not sure
32 what their score was or anything like that.

33
34 So anyway, given the State managed Tier II hunt it is
35 pretty much a local hunt and there are opportunities for more
36 moose to be harvested within the system, they're not maxing
37 it out.

38
39 So any questions?

40
41 MR. VALE: Yeah, I see from reading the Staff
42 report that you have a 50-inch antler restriction brow
43 tine.....

44
45 MR. BARTEN: Spike-fork 50-inch.

46
47 MR. VALE:management there. I guess
48 I'm -- it's a two week season, too.....

49

MR. BARTEN: Yes.

00036

1 MR. VALE:15th to the 30th?

2

3 MR. BARTEN: September 15th to September
4 30th.

5

6 MR. VALE: So you have a management guideline
7 you say around 25 to.....

8

9 MR. BARTEN: Twenty-four.

10

11 MR. VALE:30 animals?

12

13 MR. BARTEN: Yes.

14

15 MR. VALE: Yeah.

16

17 MR. BARTEN: And the reason the spike-fork
18 50-inch took place was initially the hunt was any bull hunt,
19 a Tier II any bull, and the quota was reached in a day,
20 sometimes even less than a day and it was a real derby hunt.
21 And the people of the Haines/Klukwan area expressed concern
22 that it was just too much of an uncontrollable situation.
23 And to slow the hunt down we went to a spike-fork 50-inch.
24 And you know, last year and this year the harvest -- the
25 total wasn't -- or the quota wasn't filled but at the same
26 time, given what found when it was an any bull situation it
27 just wasn't a very aesthetically pleasing hunt at all. And
28 it wasn't a very practical hunt for the people of the area
29 given the fact that everybody was -- there's -- with an any
30 bull hunt, the animals were harvested so fast and it was such
31 a frantic hunt that the people of the local area didn't
32 really like it that way so we went to -- the Board of Game
33 adopted a spike-fork 50-inch Tier II hunt.

34

35 MR. VALE: So how long has that been in
36 existence?

37

38 MR. BARTEN: I think since '95, if I'm not
39 mistaken. And -- I mean, no, I'm sorry, since '93. This
40 year here was a 20 Tier II permits in 1990, the initial Tier
41 II hunt was adopted in 1990, and that was 20 permits were
42 issued given what we figured could be harvested and it was an
43 any bull hunt. And only 20 people in the community were
44 given permits. And it wasn't a very popular thing for the
45 people who got the 20 permits when everybody else is sitting
46 out in the cold. In 1991 and '92, due to just, you know,
47 non-interest in the hunt given the fact that it was only 20
48 permit hunt and there was a lot of squabbles amongst locals
49 and it just wasn't very much fun when your neighbor got a

50 permit and you didn't, both the people that got the permit

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1 and the people that didn't get the permit, from what I
2 understand, weren't very happy about it. So in '91 and '92,
3 given part of that and also we had really poor survey
4 weather, the season wasn't opened due to we weren't sure what
5 was happening with the harvest. In 1993, the Board of Game
6 adopted the spike-fork 50-inch regulation to slow the hunt
7 down and allow more people to participate because with the
8 spike-fork 50 being a semi-self regulating mechanism, where
9 it's any bull, the harvest was going to be used up very
10 quickly and that's where the frantic part came in. But with
11 a spike-fork 50, given the fact that 50 percent of the calves
12 -- or calves born are bulls and as yearlings about 50 percent
13 of those bulls are going to be spike or fork, which would be
14 legal, 50 percent would be safe from harvest because they'd
15 be palmed on one side or the other.

16
17 And bulls typically don't reach 50 inches until
18 they're about five years old, so the spike-fork 50 is a
19 really good mechanism to make -- to assure that young bulls
20 are surviving, at least, a percentage of them and also that a
21 lot of breeding age bulls would be available so that's why we
22 went to that.

23
24 MR. VALE: Do you have an estimate on how
25 many over 50-inch moose and how many spike-forks were taken
26 out, just a ball park estimate?

27
28 MR. BARTEN: This year?

29
30 MR. VALE: The last few years if you can
31 average it out?

32
33 MR. BARTEN: Yeah, I mean I -- I'd say like
34 maybe out of the 19 animals harvested this year, maybe six
35 were over 50 inches. There weren't many spike-forks, if I'm
36 -- well, no that wouldn't -- yeah, I think about six were
37 over 50 and the rest would have been spike-forks, I guess.

38
39 MR. VALE: About six?

40
41 MR. BARTEN: I believe so.

42
43 MR. VALE: Okay.

44
45 MR. BARTEN: And then if they have three brow
46 tines on one side they're also legal. So you know, you got
47 the spike-fork, over 50 and then three brow tine which I
48 failed to mention. So if they're a 45 inch moose and they
49 had three brow tines on one side it's a legal animal.

00038

1 MR. VALE: Well, what's bull/cow ratio like
2 for them up there, do you have anything on that?

3
4 MR. BARTEN: Boy, the last time we got a good
5 survey, you know, I don't off the top of my head. This year
6 we did the survey December 3rd, which is typically early
7 enough to get a good bull/cow ratio, a lot of bulls had
8 already dropped their animals. I'm trying to think of what,
9 you know, it's at least in the high teens but I don't know
10 how much higher than that given our minimal testament from
11 this year, given the number of bulls that actually had
12 antlers. I believe it, at the minimum, in the high teens.

13
14 MR. VALE: Okay, thanks.

15
16 MR. BARTEN: You bet.

17
18 MR. WILLIS: Neil, would you put the map back
19 up please?

20
21 MR. BARTEN: Oh, sure.

22
23 MR. WILLIS: Thanks for bring all that data
24 to us, Neil. We looked into this hunt with the idea that
25 maybe there'd be enough Federal land up there to create a
26 Federal hunt but unfortunately the Federal lands that are on
27 the Haines side of the canal are selected lands of BLM, and
28 they're under State jurisdiction. So the only Federal land
29 that we have that would be available to us for moose hunting
30 would be that small river drainage on the east side of the
31 canal. And with only eight or 10 moose in it, we don't feel
32 that that's enough animals to justify a special hunt. And
33 even if it was more accessible, we would still not be in
34 favor of it because you target that little group of animals
35 that are probably struggling to hang on in there to begin
36 with.

37
38 So for those reasons, our preliminary conclusion was
39 to oppose this proposal.

40
41 CHAIRMAN THOMAS: Nothing personal?

42
43 MR. WILLIS: Nothing personal, Marilyn. At
44 this time -- oh, excuse me, you have a question, Patty?

45
46 MS. PHILLIPS: I do. Does the number total
47 of moose killed include the moose that were left in the
48 field?

49

MR. BARTEN: Yes, it sure does.

00039

1 MS. PHILLIPS: And what about the impact of
2 ceremonial moose, do you factor that into the quota
3 available?

4
5 MR. BARTEN: Yes, we do.

6
7 MS. PHILLIPS: Okay.

8
9 MS. GARZA: Can you outline again where the
10 Federal lands are, I'm sort of confused, between that and
11 what's in the booklet?

12
13 MR. BARTEN: Oh, I'm sorry, yeah, it's.....

14
15 MS. GARZA: So the east side of what?

16
17 MR. BARTEN: This is basically the only
18 Federal lands with any moose available to hunt, the Katzehin
19 River drainage. My hatch mark is basically just the areas
20 that moose occupy in the Unit 1(D).

21
22 Yeah, go ahead.

23
24 MS. PHILLIPS: How is the winter impacting
25 the moose populations?

26
27 MR. BARTEN: Well, that's a very good
28 question. You know, like I said, I flew a survey in early
29 December when we first started getting some pretty good snows
30 up in the Haines area which pushed a lot of the moose out of
31 the high drainages and that's why you do a survey at that
32 time of year. But I've been talking to Hiech Loren, the Fish
33 and Wildlife Protection officer up there as well as Randy
34 Bockman, a member of Fish and Game that works up there with
35 the sport fisher or comm-fish, I'm not sure, and other local,
36 Al Gilliam, who's a guide up there, and the moose are
37 certainly concentrated. If I am not mistaken from what they
38 have been telling me, up here along the Willow Flats near the
39 highway and also along the river, where I think it gets
40 windblown where they can move about a little easier than in
41 the deep snow away from the river, and you know, I'm not sure
42 if it's -- if they're having a lot of trouble foregoing.
43 From what I understand they're doing okay. I mean they look
44 okay. I'm hoping to get up there maybe in a couple of weeks
45 and fly a survey up the Chilkat River and just look and see
46 what I can see. IF I see moose that look like they might be
47 starving or have starved or have really suffered heavy
48 predation due to the heavy snow. So I'm hoping to make a
49 flight up there and assess what's going on with the herd.

00040

1 MS. GARZA: I still can't figure out the land
2 situation. So where you have the cross-hatches is moose
3 habitat, but is that State land?

4
5 MR. BARTEN: Yes.

6
7 MS. GARZA: Okay.

8
9 MR. BARTEN: It's either State or State
10 selected lands which fall under State jurisdiction.

11
12 Yeah, go ahead, John.

13
14 MR. VALE: My question's a follow-up on
15 Patty's question, she asked how many moose, what's left in
16 the field. Is there a problem with that antler restriction
17 and moose being left in the field?

18
19 MR. BARTEN: Well, that's -- I mean that's
20 one of the problems when you get into a spike-fork 50 with
21 three brow tines is people have to be, you know, when it's an
22 any bull situation you see antlers you can take an animal.
23 When it's spike-fork 50 or three brow tines you have to be a
24 little more particular.

25
26 We go up to Haines every year before the hunt and
27 give a talk on, you know, how to judge animals, how to judge
28 if they're 50 inches, that kind of thing and also show a
29 video that's called, Shoot/Don't Shoot, I believe, and it
30 goes over, you know, seeing moose from different angles and
31 how to judge what you're looking at. We really urge people
32 not to shoot moose based on the 50-inch rack width, because
33 that just isn't a good way to go. In Haines we don't
34 typically get moose that are like 60 inches or even above 55
35 inches. And to look at a moose and shoot it because you
36 think it's large enough isn't a real good idea. If you count
37 brow tines, that's your best bet. If it's three brow tines
38 you can take an animal. And I think we've been gaining
39 progress on this. Last year we had one moose that was shot,
40 it was 48 inches, two brow tines on the side and it was left
41 in the field, and that was the only illegal animal left in
42 field. Another hunter turned in a moose that was 47 inches
43 or so and it had two brow tines, too. So two of these, of
44 the 19 moose that were harvested last fall were illegal
45 animals. The year before that, I think it was more like four
46 or five.

47
48 And you know, the people in Haines, from what I can
49 tell, talking to hunters and as well as the people who -- the

50 hunters who come to the meeting but may not necessarily hunt

00041

1 are pretty pleased with the hunt. I mean it seems like a --
2 it's a nice methodical pace. A lot of people have
3 opportunities to hunt and given our meeting each year, we've
4 made tapes available at Fish and Game, the Shoot/Don't Shoot
5 tapes, I think people are starting to get a little better
6 idea of how important it is to really judge an animal before
7 you pull the trigger. So I think the hunt's going pretty
8 well.

9
10 CHAIRMAN THOMAS: So do they have a tape to
11 get the 50 inches compared to 47-inch?

12
13 MR. BARTEN: Well, we measure everything when
14 it comes in.

15
16 CHAIRMAN THOMAS: No, I mean while he's on
17 the hoof?

18
19 MR. BARTEN: No, no. No, that's difficult
20 and that's why we urge people to count brow tines. And you
21 know, to shoot an animal just because you think it's 50
22 inches is not always a good idea because if it's very close,
23 I mean we simply have to go by -- if it's 50 inches, its' 50,
24 if it's 48 or 47, that defeats the whole purpose of the
25 regulation if you start backing off and saying, well, okay
26 47's okay and so we stick very strictly to the 50-inch width.

27
28 MS. GARZA: Mr. Chairman.

29
30 CHAIRMAN THOMAS: Dolly.

31
32 MS. GARZA: I guess where I -- I guess I'm to
33 the point where I need to hear from the proposal maker.

34
35 MS. WILSON: Well, I've been listening to
36 everything.

37
38 MS. GARZA: Okay. So I guess my question is,
39 so if the current State harvest, you know, there obviously
40 are a number of moose that are taken in that area by -- for
41 the most part, locals, so that is not enough for the
42 subsistence needs in the area or why is this proposal here?

43
44 MS. WILSON: I think mainly the proposal is
45 for the opportunity to subsist for moose in this area. The
46 key word is, opportunity, to give opportunity. And it sounds
47 like we have the moose staying in one area and that's where
48 they stay forever and that's not the case, moose move around.
49 They don't just stay in one area. And they know how to swim,

50 and that's a shallow place across Mud Bay, is across Katzehin

00042

1 Flats.

2

3 And our moose season used to be held through October,
4 in October. And I think it said in here something about the
5 rutting, but our moose season used to be later than this, it
6 never used to be in September.

7

8 And I also wanted to state that when I was on the
9 State Fish and Game Advisory Committee in Haines, and that
10 was years back before the -- when the moose first started
11 getting less. Our Fish and Game Advisory Committee was
12 worried about the bear population, so essentially the hunters
13 that hunt for the moose is in direct conflict with the bears
14 who want to eat the moose. They go after the calves. And --
15 but the State Fish and Game guys that did all the research
16 said that we couldn't change the bear season because if we
17 did -- if we wanted to advise them to change the bear season,
18 it would have to be changed all over Alaska. In other words,
19 there was no area that we could do one thing and do another
20 thing in another area.

21

22 So I didn't get this proposal to all the people in
23 Haines. Our ANB hasn't been meeting and our IRA was so busy
24 with our other business we never got to this proposal. So I
25 would like to bring us -- let us bring it to a vote and see
26 what our committee or Council here thinks of it. But I don't
27 see anything wrong with it.

28

29 The other thing, too, is that some of the people have
30 boats, you can go across and use small boats to go there.
31 Because it seems like we're making arguments as to why we
32 shouldn't hunt there, it's too small an area and it's not
33 easily accessible and we make all these arguments but we
34 forget the word, opportunity for the people to subsist. And
35 I think people have every right to have that opportunity,
36 little as it may be to subsist on this piece of land.

37

38 I guess that's all I have to say.

39

40 CHAIRMAN THOMAS: Dolly.

41

42 MS. GARZA: Mr. Chairman, this seems like a
43 touchy issue. And maybe I need a little more information,
44 maybe I'm just not listening. So in the Katzeihin River area,
45 are there moose outside of the designated Federal lands that
46 are not being harvested because they're not part of the State
47 hunt area?

48

49 MR. BARTEN: I think most of the land, if you

50 look at your map on Page 6 in the M section, most of the land

00043

1 around the Katzehin is Federal land and would be available
2 for a Federal subsistence hunt but there's really not any
3 moose to speak of, if at all, other than in the Katzehin
4 River drainage itself. And that population is very small as
5 our survey showed. We counted four animals. And you know,
6 there might be eight or 10 or maybe a dozen. But given a
7 population of a dozen moose our allowable harvest would be
8 probably one animal. And given the fact that under the State
9 Tier II subsistence hunt, already underway, there's -- last
10 year 19 animals were taken and we allow a quota, like I said
11 of at least 24 animals, so there was opportunity there for
12 four or five additional animals to be harvested, you know, on
13 State lands.

14

15 MS. GARZA: Okay.

16

17 MR. BARTEN: So you know, there is
18 opportunity under the Tier II State hunt that's a lot more
19 accessible.

20

21 CHAIRMAN THOMAS: How long has that
22 population been that small?

23

24 MR. BARTEN: I think, like Robert said, in
25 the '60s it peaked around 700 animals and it started kind of
26 coming down. And I believe in the late -- since about the
27 late '80s, early '90s it's been 350 to 400 animals by our
28 best estimate. And again, we fly survey -- we try to fly a
29 survey every fall as soon as we get good snow cover. It's
30 very difficult country to survey, given the fact that there's
31 a lot of timber that moose are very difficult to see in. But
32 our surveys have indicated that the herd is relatively stable
33 since about '92 or '93. So it's probably close to 350/400
34 animals.

35

36 MR. WILLIS: Mr. Chair, if I could add to
37 that a little bit. I'd like to point out a couple things.
38 One is that that area is also open hunting under the current
39 State hunt. That applies to both State and Federal land, so
40 there's already opportunity if you have a Tier II permit to
41 go across and hunt those moose under State regulations.
42 However, if we had a Federal subsistence hunt it would apply
43 only to that small area across the bay. And the reason
44 there's just a few moose in there is there's not very much
45 habitat. It's pretty steep and there's a glacier at the head
46 of that drainage and not a whole lot of winter habitat
47 especially. So it's never going to support probably more
48 than a dozen moose or so in that one little drainage that
49 comprises all the Federal land that would be open under a

50 Federal only hunt. But it is currently open hunting under

00044

1 the State hunt.

2

3 CHAIRMAN THOMAS: Okay. More questions.

4

5 MS. PHILLIPS: Mr. Chair.

6

7 CHAIRMAN THOMAS: Patty.

8

9 MS. PHILLIPS: So you're saying this Katzeihin
10 River drainage is already open under the State's Tier II
11 hunt?

12

13 MR. WILLIS: That's correct.

14

15 MS. PHILLIPS: Okay.

16

17 CHAIRMAN THOMAS: Can we reconfigure our
18 table arrangement, I can't see any of the Council members?
19 The only thing I can see is.....

20

21 MS. GARZA: We'll throw things at you.

22

23 CHAIRMAN THOMAS: The only thing I can see is
24 Road Kill.

25

26 MS. WILSON: Mr. Chairman.

27

28 CHAIRMAN THOMAS: Marilyn.

29

30 MS. WILSON: Mr. Chairman, I would like to
31 make a motion to withdraw this proposal at this time.

32

33 MS. GARZA: Second.

34

35 MR. VALE: Mr. Chairman.

36

37 CHAIRMAN THOMAS: John.

38

39 MR. VALE: Yeah, just a question for you,
40 Marilyn.....

41

42 CHAIRMAN THOMAS: Discussion.

43

44 MR. VALE:when you developed this
45 proposal, did you consider that the other areas, the Chilkat
46 and the Chilkoot there, I get them mixed up which one is
47 which to tell you the truth, but where the marks where most
48 of the moose are, did you believe that to be part of the
49 Federal lands that would be included in your proposal, and

50 did you become later.....

00045

1 MS. WILSON: No.

2

3 MR. VALE:that you'd only be effecting
4 the Katzehin River.

5

6 MS. WILSON: Katzehin?

7

8 MR. VALE: Yeah.

9

10 MS. WILSON: No, I knew.

11

12 MR. VALE: You knew?

13

14 MS. WILSON: Yeah.

15

16 MR. VALE: Okay.

17

18 CHAIRMAN THOMAS: Further discussion on the
19 motion.

20

21 MR. VALE: Question.

22

23 CHAIRMAN THOMAS: Question's been called, all
24 those in favor of withdrawing the motion say aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN THOMAS: Those opposed.

29

30 (No opposing responses)

31

32 CHAIRMAN THOMAS: Motion carries. We'll add
33 that to our list of comment discussion after we complete the
34 agenda and we hope to use the resources available to help us
35 with that. I think an informal approach to understanding
36 this will be more productive than what we're trying to do
37 now, so, thank you.

38

39 MR. BARTEN: Thank you.

40

41 MS. WILSON: Mr. Chairman, I would like
42 to.....

43

44 CHAIRMAN THOMAS: I am contemplating here
45 now. I lost my contemplation, go ahead.

46

47 MS. WILSON: I'm afraid that's all my fault,
48 Mr. Chairman. I just wanted to say thank you to the people
49 who did all the study on this, this moose population. And I

50 think that it was good that it was brought forth for us to

00046

1 discuss like this because it makes for a better understanding
2 of what's happening. And especially for an area like Haines,
3 because we have so much State land there. And so thank you.

4
5 CHAIRMAN THOMAS: We'll annex that land so
6 that -- okay, the paper said that 11:00 o'clock we'd be open
7 for public comment. I have an individual here that would
8 like to express his own views. Ralph, would you come forward
9 to the -- did you want to discuss a proposal or did you have
10 other.....

11
12 MR. GUTHRIE: Later on this afternoon, Bill?

13
14 CHAIRMAN THOMAS: Okay, that'd be fine. Was
15 there anybody else that had any other comments? Usually we
16 like to go by these cards here.

17
18 MS. GARZA: Mr. Chairman, I think there will
19 be other presenters either at the end of today or tomorrow.

20
21 CHAIRMAN THOMAS: Why do you think that?

22
23 MS. GARZA: Because we're scheming during our
24 breaks.

25
26 CHAIRMAN THOMAS: I don't have it on my
27 agenda. Okay, no calls from -- Ms. Tomlin, anything coming
28 in?

29
30 MR. SUMMERS: Mr. Chairman, hopefully
31 Yakutat's on-line.

32
33 CHAIRMAN THOMAS: Okay.

34
35 MR. SUMMERS: Let's see. Yakutat, are you
36 there?

37
38 CHAIRMAN THOMAS: Calling Yakutat, this is a
39 lunar landing.

40
41 MR. VALE: Earth to Yakutat.

42
43 CHAIRMAN THOMAS: Earth to Yakutat.

44
45 MR. SUMMERS: We may have lost them when we
46 switched them over.

47
48 COURT REPORTER: I think we did.

49

MR. SUMMERS: Yeah.

00047

1 CHAIRMAN THOMAS: If they come back we'll
2 drop what we're doing to accommodate them.

3
4 MR. SUMMERS: Okay. Hopefully they will.

5
6 CHAIRMAN THOMAS: So if it's okay with Mr.
7 Willis, we'll move on to No. 2.

8
9 MR. WILLIS: Thank you, Mr. Chair.

10
11 MR. VALE: Mr. Chairman.

12
13 CHAIRMAN THOMAS: John.

14
15 MR. VALE: If at all possible I'd like to get
16 Yakutat hooked up before we take up the proposal.

17
18 MR. WILLIS: I would concur with that Mr.
19 Chairman. I would like to have them on-line and have some
20 more local testimony on this.

21
22 COURT REPORTER: I'll try getting them back
23 now.

24
25 CHAIRMAN THOMAS: Well, we're going to be in
26 a three minute break.

27
28 (Off record)

29
30 (On record)

31
32 CHAIRMAN THOMAS: Clarence, we're going to go
33 through regular process of proposals and hopefully they'll be
34 able to hear us and if they can't, they can ask and you can
35 repeat what you remember hearing of the presentation.

36
37 MR. SUMMERS: Listen, I think the process
38 will be for you to listen in on the Staff presentation, and
39 then after that there will be an opportunity to provide
40 testimony.

41
42 MS. MITCHELL: Okay, sounds good. Just let
43 us know when you're ready.

44
45 MR. SUMMERS: Sounds good then, we can
46 proceed.

47
48 CHAIRMAN THOMAS: Mr. Willis.

49

MR. WILLIS: Thank you, Mr. Chair. Proposal

00048

1 No. 2 was submitted by Jack Endicott and Michael Tracy of
2 Yakutat, Alaska.

3
4 It would modify the moose season in Unit 5(A) except
5 for that portion known as Nunatak Bench from the current
6 October 8 to November 15 season to an October 15 to November
7 15 season. And you have a map of the area on Page 13 of your
8 book, and I'll be putting another map on the chart back there
9 on the wall for you in a little while.

10
11 The current subsistence regulations in Unit 5(A)
12 provide for an October 8 to November 15 season for antlered
13 moose only. That's any bull. The season is closed in 5(A)
14 when 60 antlered bulls have been taken and when 30 bulls have
15 been taken on the west side of the Dangerous River. Federal
16 lands are closed to non-subsistence moose hunting from
17 October 15 through October 21.

18
19 There's also a designated hunter provision in Unit
20 5(A) so that one person can harvest moose for another. And
21 we have an opportunity to harvest moose of either sex for
22 ceremonial purposes in that unit.

23
24 The State regulations provide for an October 15th to
25 November 15th season for moose. And five moose of either sex
26 can also be taken on the Nunatak Bench during a winter hunt,
27 which is also designated as a local hunt.

28
29 Prior to 1996, both the State and the Federal seasons
30 opened at the same time. At that time the season opening day
31 was October 15 and ran through November 15 and Federal lands
32 were closed to non-subsistence hunting from October 15th
33 through October 21. We had a proposal in 1995 to modify that
34 season to open it a week earlier for subsistence hunting on
35 Federal lands. That proposal was supported with the idea
36 that it would provide some additional moose harvest for local
37 residents. So at that time the season was created that's
38 currently in existence which is October 8th through November
39 15th.

40
41 The Alaska Department of Fish and Game did a survey
42 this winter in January and counted a total of 466 moose --
43 excuse me, 416 moose. This is comparable to the number that
44 were found in their last previous survey which was 1996. At
45 that time they found 466 moose, so it would appear that the
46 population is relatively stable in Unit 5(A).

47
48 The reason that we have this permit enforced is there
49 was some dissatisfaction with the season that was created

50 back in 1996.

00049

1 At this time I think I'll go to the back of the room
2 where the overhead projector is and put a map on the wall and
3 continue to work from there.

4
5 Can you still hear me? Thank you.

6
7 This map shows a little better the situation that
8 exists in the area around the Yakutat and the Dangerous
9 River. The area -- this is the Dangerous River, the area
10 considered east of the Dangerous would be from here over to
11 the community of Yakutat itself. You'll notice the road
12 system runs out to Harlequin Lake. The big cross-hatched
13 line there shows where the Federal lands begin moving over
14 towards the east. So everything from that line back towards
15 Yakutat is non-Federal lands, it's been selected by Sea-
16 Alaska, and it's currently under State regulation.

17
18 The situation that's developed is that only half of
19 the good moose hunting area is open during that early hunting
20 season that we created in 1996, and that would be the
21 Ahrnklin River Drainage in this area. This tends to create a
22 crowding situation. When the season opens, only half of the
23 area available for hunting, all of the hunters in Unit 5(A)
24 move into this area which has limited access from roads and
25 concentrate their hunting activities there. On October 15
26 when the season opens on all lands, this area's been pretty
27 much hunted out so everybody hasn't scored goes back into the
28 Situk River Drainage, this area here, which is more
29 accessible and a more popular hunting area traditionally.

30
31 The situation has created crowding. It also creates
32 the opportunity for some local residents who have the
33 necessary equipment, usually jet boats. They could access
34 the moose better than other people and it gives them an
35 advantage which is -- there's nothing wrong with that, but
36 anytime that you have a situation like this under regulation,
37 you change the regulation and you create opportunities for
38 some people and take away opportunities for others. So
39 there's always going to be some dissatisfaction in a
40 situation like that.

41
42 The main reason for creating this season was to put
43 some more moose into the freezers of the local people.
44 Unfortunately that hasn't happened. I'll show you some
45 charts here.

46
47 This indicates the number of moose harvested by
48 locals and non-locals west of the Dangerous River, that's the
49 area where most of the hunting takes place on the road

50 system. You can see the taller lines indicate the local

00050

1 harvest and the shorter lines indicate the non-local harvest.
2 The first five years of that data -- or six years actually
3 are under the regulation which is currently being proposed,
4 that is, an October 15 to November 15 season. The last three
5 years are under the current October 8 to November 15 season.
6 So you can see that there's been a minimal change in the
7 number of moose taken by locals versus non-locals.

8
9 When we look at all of 5(A), you see the same
10 situation.

11
12 MR. CLARK: Robert.

13
14 MR. WILLIS: Excuse me.

15
16 MR. CLARK: You might want to move over.

17
18 MR. WILLIS: Thank you, sorry about that. I
19 can see it perfectly from where I am.

20
21 Again, the percentages are closer together because
22 more people can fly in and hunt the area east of the
23 Dangerous River and so your non-local harvest tends to go up
24 and that's moose taken on the east side of the river.

25
26 And we also looked at it in terms of percentage.
27 Again, the percent of the local harvest is the tall line,
28 it's -- it was about 80, 82 percent under the October
29 15/November 15 regulation for the first six years. In 1996,
30 we went to the regulation which is currently in place of
31 October 8 to November 15. It's 85 percent local harvest. So
32 again, there's really minimal change between the two
33 regulations.

34
35 CHAIRMAN THOMAS: Robert.

36
37 MR. WILLIS: Excuse me.

38
39 CHAIRMAN THOMAS: Before you move that last
40 bar graph. Just out of curiosity, what -- in terms of
41 sustainability, in your opinion, where do you think that bar
42 graph would be when we would start becoming alarmed about the
43 situation if the available moose was on a decline of some
44 kind? This is a hypothetical.

45
46 MR. WILLIS: I'm not sure I understand your
47 question, Bill. At what point.....

48
49 CHAIRMAN THOMAS: Okay. Suppose the local --

50 or suppose those lines on the bar graph got dramatically

00051

1 shorter, at what point would there need to be some concern
2 for some conservation? Maybe adjusting the hunt? Maybe.....

3
4 MR. WILLIS: I don't think I could answer
5 that. It'd be pure speculation on my part, Bill. I don't
6 think I could give you an accurate question to your question.

7
8 CHAIRMAN THOMAS: No, speculation's okay.

9
10 MR. WILLIS: We have to look at the situation
11 as it developed. And probably at some point where the local
12 people said we're not getting enough moose.....

13
14 CHAIRMAN THOMAS: I guess the reason for my
15 question is every time I see a bar graph it reminds me of the
16 bar graph that was presented to us with regards to the king
17 crab. Do you remember that one?

18
19 MR. WILLIS: Yes, I remember it very well.

20
21 CHAIRMAN THOMAS: And when it reached a point
22 there it went from a real lucrative population to one that
23 was quite embarrassing to try to respond to. And I'm
24 offering my inquiry just so in the future we can prevent that
25 from happening to other species.

26
27 MR. WILLIS: I understand your point now.
28 It's still difficult to answer but I'd point out that the
29 king crab situation was commercial harvest which was let run
30 on until the resource was literally wiped out. I can't
31 really see that happening here. This herd of moose is
32 managed very carefully, by both ADF&G and Forest Service.
33 There's a quota for it. They census as often as possible.
34 They collect antlers and jaw bones to determine the age of
35 the animals. So I really don't think you're going to see a
36 crash situation develop here with that type of intensive
37 management.

38
39 CHAIRMAN THOMAS: Yeah, I don't have any
40 concern about the proposal. It's just that the graph
41 reminded me of something I saw prior. Thank you.

42
43 MR. WILLIS: I don't think I'll ever forget
44 that king crab graph either. I wish I had it here to show
45 everybody what we're talking about.

46
47 Here's another graph which shows the same thing on
48 the percentages taken. Percent of local harvest, you can
49 see, 1990 to 1996, again, is the regulation where the season

50 opened on the 15th. 1996 through '98 was when it was opened

00052

1 on the 8th. The line at the top is west of -- harvest --
2 percent harvest west of the river, this local harvest and the
3 line on the bottom, the dotted line is the percent of local
4 harvest for 5(A) total.

5
6 With that in mind I'll put the map back up here. And
7 summarize by saying that the situation as I see it now is we
8 created this hunt that's currently in place for the sole
9 purpose of providing additional moose to local people. That
10 hasn't happened. And now we're getting complaints from other
11 local people that they don't like the situation with the new
12 hunt. The fact that there's a lot of crowding. The fact
13 that almost all the moose are harvested in the Ahrnklin
14 Drainage, almost the total quota is taken in that drainage
15 during the first week while it's open. And when the Situk
16 opens which is where most of the local people prefer to hunt,
17 the remainder of the quota can be taken in one day or less.
18 This creates difficulty for people who can't hunt on opening
19 day, obviously.

20
21 It also creates something of a management problem.
22 Because it is a quota hunt, with 30 bulls only allowed west
23 of the river, management likes to have a little time to shut
24 down that hunt by emergency order when they see the quota
25 approaching. Last year the quota was finished out the first
26 day that the Situk was open and some additional animals were
27 taken before the word could be gotten out to the hunters who
28 were still in the field.

29
30 I don't see this as a serious biological problem
31 because moose do interchange freely between those drainages
32 and I think that you can manage under that situation but it
33 is difficult. It is a problem.

34
35 So to summarize, we supported this proposal to change
36 the regulation and go back to an October 15 to November 15
37 season for the reasons of, one, dissatisfaction with the hunt
38 among some of the local people. Number 2, it is a management
39 problem that we don't like. And number 3, and most
40 importantly, the regulations -- the new regulation is not
41 providing any additional local harvest so it's not doing what
42 we designed it to do.

43
44 That's all I have, Mr. Chair. I think we go to
45 agency comments now and then to public comments.

46
47 CHAIRMAN THOMAS: Well, before we do that,
48 you mentioned a management problem. Have you and whoever you
49 associate with with that regard, come up with ideas that

50 would relieve you of that problem or lessen the degree of a

00053

1 problem or make it somehow easier to work with in terms of
2 management or practicality or anything like that?

3
4 MR. WILLIS: No, we haven't pursued any
5 options, Mr. Chair. You would have to look, I guess, at
6 changing the quota system and I'm not sure at this point, off
7 the top of my head, I couldn't tell you how you would handle
8 that. The proposal at hand is one option to change. We have
9 a number of people in Yakutat who would prefer to stay with
10 the season that's now in place.

11
12 It had been our hope that we could get a consensus
13 from the local people on which type of season they would
14 like. And toward that end, two public meetings were held in
15 Yakutat, and John Vale from our Council, attended both of
16 those meetings and I'm sure he'll report on that later on.
17 We also had written comments. We have two petitions sent in
18 concerning the season, one pro and one con. So we felt that
19 the thing to do was bring it before the Council, hear what
20 everyone had to say and let the Council make its decision.

21
22 CHAIRMAN THOMAS: I can't imagine people not
23 coming to a consensus. Appreciate it. Patty.

24
25 MS. PHILLIPS: Robert.

26
27 MR. WILLIS: Yes.

28
29 MS. PHILLIPS: The local harvest, what is the
30 designated hunter take?

31
32 MR. WILLIS: The last one I saw, I think, was
33 four, Patty and I didn't get a chance to pull that up prior
34 to coming to this meeting. We haven't had a lot of use of
35 the designated hunter in that area and John knows, I think,
36 every moose and every moose hunter in the area and he might
37 be able to tell you a little bit more about how well that's
38 working in there. We did have, I believe, five ceremonial
39 moose, either four or five ceremonial moose taken this year
40 or last year.

41
42 CHAIRMAN THOMAS: If we don't get none of
43 that take from last year, we're going to knock those
44 ceremonial uses out.

45
46 MR. VALE: Your question was, is the
47 designated hunter program operating?

48
49 MS. PHILLIPS: Yes.

00054

1 MR. VALE: Yeah, it is. And I'm not sure of
2 how many people are aware of the designated hunter
3 opportunity there. I don't think people are very well aware
4 that that opportunity is there. But it is there and I
5 imagine some people have taken advantage of it, I'm not sure
6 about that.

7
8 MS. MITCHELL: I have an answer to that
9 question if you'd like?

10
11 MR. SUMMERS: Please, go ahead.

12
13 MS. MITCHELL: Last year we had about three
14 designated hunters. We've had up to about five in the time
15 that I've been here. So you're looking at two to five per
16 year that take advantage of the designated hunter program.

17
18 And as Bob mentioned, ceremonially, we've had
19 anywhere from three to five. Sometimes as little as one in
20 the past.

21
22 MR. SUMMERS: This is Meg Mitchell speaking
23 for those of you that aren't aware. But please state your
24 name speakers in Yakutat. Thank you.

25
26 CHAIRMAN THOMAS: Either that or hold your
27 hand up where I can see it.

28
29 Okay, thank you Robert.

30
31 Department.

32
33 MS. ANDREWS: Thank you, Mr. Chairman. My
34 name's Elizabeth Andrews, Alaska Department of Fish and Game.
35 And I'm the coordinator the Department's program relative to
36 the State and Federal program.

37
38 As you've probably heard from the presentation there
39 and from when this has come up in the past, the Department
40 supports aligning the two seasons in this area. I don't want
41 to repeat the comments that, you know, that Robert's already
42 presented about some of the management concerns that we have
43 and that's primarily the reason that, you know, we support
44 the alignment. We think that it would provide better
45 opportunity for local residents to be able to hunt in the
46 entire area rather than having a large portion of the quota
47 taken before the October 15th date. We hustle with the
48 Forest Service folks right before that October 15th opening
49 on the State hunt to try to determine how many animals can

50 actually be taken under the State hunt. And sometimes it

00055

1 might just be five animals or, you know, even 10, but it
2 means, as Robert said, that those animals can be taken very
3 rapidly in the first two days of the hunt. And that then
4 precludes local people from being able to hunt throughout the
5 duration of the season. It just really makes it focused in
6 the first two days. If fishermen haven't come back in from
7 fishing yet by the time of the State opening, they may miss
8 the opportunity altogether.

9
10 So there's some management concerns and there's also
11 some opportunity concerns that we have and I'll leave it with
12 that. If you do have additional questions about the
13 management, Neil, as you know, is here and could help answer
14 those questions.

15
16 Thank you, Mr. Chairman.

17
18 CHAIRMAN THOMAS: Does that complete your
19 presentation?

20
21 MS. ANDREWS: Yes.

22
23 CHAIRMAN THOMAS: Thank you.

24
25 MS. McCONNELL: Mr. Chair.

26
27 CHAIRMAN THOMAS: Mim.

28
29 MS. McCONNELL: Yes, I was just curious, what
30 would be the chances of the State adopting the Federal
31 regulations so the State lands would be open that week to
32 local hunters? Rather so it just wouldn't be that one area.

33
34 MS. ANDREWS: Mr. Chairman, Ms. McConnell.
35 That would have to be a proposal that would go to the Alaska
36 Board of Game that they would take up. There certainly was a
37 time in the past when the State did have an earlier hunt and
38 that's when they had, you know, prior to 1990 when we had the
39 rural residents only provision also. And so that there was
40 some of the time, that people could take it if they were
41 rural residents in that area. What we have heard as I
42 mentioned earlier is that people who are out fishing and they
43 are back before the season opens October 15th, still are
44 stuck with the same type of, you know, reduced opportunity.

45
46 And you know, I can't speak for the Game Board, but
47 you know, in our discussions in the Department if we were to
48 also open it October 8th, we've still cut out some
49 opportunity that we have heard in the past that people want

50 to have beginning October 15th. And presumably you could

00056

1 have a large portion of the harvest, as you've seen, taken
2 prior to that date, and then other local folks aren't able to
3 participate later on.

4
5 And I'm going to look over -- you know, Neil's been
6 the area biologist for this area and if you have other
7 comments regarding that question, you know, I'd ask you
8 to.....

9
10 MR. BARTEN: You know, I think.....

11
12 COURT REPORTER: Wait, wait.....

13
14 MR. BARTEN:you made the best
15 point.....

16
17 COURT REPORTER:wait, wait a minute.

18
19 MR. BARTEN:there.....

20
21 MS. ANDREWS: Neil, I think we all have to,
22 yeah, jump up to the mic here.

23
24 MR. BARTEN: My name's Neil Barten. I'm
25 acting area biologist for the Yakutat area. And I think a
26 really important point to be made is the reason our season
27 does start a little later is due to the fact that we'd had
28 concerns about people not being able to participate in the
29 hunt because of whether they're out fishing or the season
30 started too early. So I think it's important, you know, for
31 us to try to move the season back to the 8th to match the
32 Federal season would defeat that purpose, and those concerns
33 may come right back at us again. So I think they are valid
34 concerns from what I heard, both from Matt Robes who is and
35 was my supervisor and also from people in Yakutat.

36
37 CHAIRMAN THOMAS: Is it more of a concern or
38 is there really a problem?

39
40 MR. BARTEN: I guess I can't answer that.
41 John, you could probably do a better job being you live in
42 Yakutat and deal with, you know, friends and other people
43 you're familiar with who may be out fishing. I guess to me
44 it's just something I hear and hear it is and was a concern.
45 And I don't personally know how many people that would
46 entail.

47
48 CHAIRMAN THOMAS: Yeah, if it's a problem, I
49 want to know what constitutes the problem? John.

00057

1 MR. VALE: Well, okay, in the past, we've
2 taken up the issue on the advisory committee of changing the
3 moose date from October 15th to some other time a number of
4 times over the last 20 years that I've been on the advisory
5 committee. And up until three years ago, the committee
6 repeatedly voted in support of the October 15th date.
7 Basically for the reasons that were mentioned, largely we're
8 a fishing community. Our season runs into the first week of
9 October quite often and people like the 15th because it gave
10 them time to put away their fishing gear and everything and a
11 little time to get geared up for moose hunting. So we
12 supported that date numerous times over the last 20 years.
13

14 Now, three years ago when we took up this proposal, a
15 number of organizations in town, including the advisory
16 committee, voted in support of it, and that's why I supported
17 it. And so you know, it's been an issue in the past but I
18 don't think it's a large issue, I wouldn't call it a big
19 issue. But you know, the 15th date is a date that people
20 have appreciated because it didn't conflict with their
21 fishing seasons.
22

23 I hope that didn't muddy the waters too bad there.
24

25 CHAIRMAN THOMAS: Well, the reason why I
26 question it is because we want to deal with problems that
27 have some biological justification or identification with it.
28 If it's just a matter of concern because of inconvenience or
29 a conflict with time, then I think that warrants a different
30 consideration.
31

32 Dolly.
33

34 MS. GARZA: Mr. Chairman, perhaps we can hear
35 from someone who pulled this packet together regarding the
36 letter from Walter Johnson. He refers to a petition that has
37 82 names, but the petition that we have here has only four
38 names. And so I'm not sure how I can read what the interest
39 from Yakutat residents is based on the missing 78 names.
40

41 MR. JOHNSON: Mr. Chairman, the petition that
42 was submitted did have 83 names on it. It was a editor's
43 note to just reduce the number of pages of information in
44 your packet. The second thing is we've just received today a
45 second petition in support of the proposed change that has 86
46 names on it. I'd like both of those to be made right into
47 the record in addition to the two additional comments that
48 are in your packet that oppose the proposal. One from the
49 Tribe, which I've already mentioned and then the second one

50 is Paul J. Trollan from Yakutat.

00058

1 Meg Mitchell may also have additional information.
2 She sent out a questionnaire to the rural residents that
3 received harvest permits last year to get a response back on
4 that and she may have additional information on that. Saying
5 whether they support or reject the proposal.

6
7 Meg, are you still there?

8
9 MS. MITCHELL: Yes, I am.

10
11 CHAIRMAN THOMAS: Well, with respect to the
12 efforts of the petition and everything, I would still like to
13 know whether Yakutat feels like that is a problem that's
14 identified or justified biologically or is it a concern
15 because of time conflict with other happenings. Because you
16 got to be careful. We've got a herring spawn coming up here,
17 the trawlers might want us to close down the trawling season
18 while they harvest herring eggs and then go back to trawling
19 again. So I just want to hear if the comments are really
20 more of a problem or more of a concern.

21
22 Okay. Anymore questions for Ms. Andrews.

23
24 MR. VALE: I have one.

25
26 CHAIRMAN THOMAS: John.

27
28 MR. VALE: Yeah, Mr. Chairman, on the
29 comments, I should have forwarded some written comments from
30 the advisory committee and I didn't, and I'd like to make
31 those known so they could be incorporated in the record.

32
33 CHAIRMAN THOMAS: Sure.

34
35 MR. VALE: We held two meetings, and this was
36 the primary subject matter. The first one, advisory
37 committee meeting we didn't have a quorum and so it wasn't an
38 official meeting. We did take the opportunity because we had
39 a fair number of people there from the public and with the
40 advisory committee, so we did take the opportunity to discuss
41 the issue. Then we followed it up with a second meeting
42 where we did have a quorum, and we discussed this proposal
43 further.

44
45 The committee ended up with split, surprisingly, in
46 their position on it. We had eight committee members present
47 and ended up with a 4-3 vote opposing the proposal. The
48 people in the minority were opposed to it because of the
49 crowding on the Ahrnklin River and the lake of opportunity on

50 the Situk with most of the quota being pulled off the

00059

1 Ahrnklin. And they were concerned about the health of the
2 moose population on the Ahrnklin, they felt there was a
3 potential for over harvest there that would have some
4 detrimental effects on the herd. And so I think that
5 summarizes the minority view.

6
7 The majority view, the four votes in majority felt
8 that they basically appreciated the earlier opportunity.
9 Some felt that it was needed to get more moose into the
10 community. Others simply liked the October 8th date better,
11 it worked out for them personally for what they were doing.
12 They liked to have the earlier date to get out there to hunt.

13
14 So the committee's position, once again, on a 4-3
15 vote was to oppose the proposal.

16
17 CHAIRMAN THOMAS: Okay. This -- okay, Herman
18 just a minute. This proposal, the last sentence says, this
19 proposal would promote a safe hunt for the subsistence moose
20 hunters of Yakutat by eliminating pushing a great majority of
21 hunters into the -- is that the Ahrnklin -- off the petition.

22
23 MR. VALE: Say that again would you please?

24
25 CHAIRMAN THOMAS: This proposal would promote
26 a safe hunt for the subsistence moose hunters of Yakutat by
27 eliminating pushing a great majority of hunters into the
28 Ahrnklin River, Dangerous River Corridor during the current
29 opening of 8 October.

30
31 So it sounds like a matter of personal safety
32 perhaps?

33
34 MR. VALE: I'm glad you brought that up,
35 Bill. That's one issue I failed to point out when I gave the
36 advisory committee report. Some of the folks who support
37 this proposal felt that the crowding situation on the
38 Ahrnklin, that is, all the hunters that would normally be
39 hunting the Situk end up over on the Ahrnklin for this hunt.
40 And they felt that that was leading to a dangerous situation
41 as well increasing the risk of hunter accident.

42
43 CHAIRMAN THOMAS: Okay, thank you.
44 Elizabeth.

45
46 MS. ANDREWS: Thank you, Mr. Chair. I just
47 want to pause for a second and see if Neil does have any
48 comments about the biological health of that particular part
49 of the moose population in Ahrnklin River area that was

50 referenced a few minutes ago.

00060

1 MR. BARTEN: Yeah, this is for you in
2 Yakutat, this is Neil Barten again. I mean there's certainly
3 area for concern but we have no biological data to back that
4 up. I mean the fact that you're taking, like last year, I
5 believe 22 of the moose came out of the Ahrnklin River during
6 the first week of the hunt. We're hoping that moose are
7 moving back and forth enough to where not getting that many
8 moose out of a small area isn't really being a biological
9 detriment to the herd. But we haven't done enough radio
10 collaring or anything like that to really substantiate any
11 documented biological concern for harvesting that many moose
12 of the small area. But I think given the two scenarios, it
13 would be -- to be on the safe side it would be much better to
14 spread the harvest out than to concentrate it on one pocket
15 of animals.

16
17 CHAIRMAN THOMAS: Now, before Yakutat
18 responds, I would like them to -- do they have a copy of our
19 proposal process before them in Yakutat. Can they see one in
20 front of them?

21
22 MS. MITCHELL: This is Meg Mitchell, not
23 right in front of us.

24
25 CHAIRMAN THOMAS: Okay. Well, the process is
26 introduction of proposals, comments by the Department, other
27 agencies, Fish and Game Advisory, summary of written public
28 comment and then public testimony and that's where you folks
29 would come in. So you guys would have a chance to question
30 or rebut or make reference to any of the previous presenters
31 if that's acceptable to you.

32
33 MS. MITCHELL: Okay, I think we understand.

34
35 CHAIRMAN THOMAS: If you don't, don't
36 hesitate to interrupt us.

37
38 MS. MITCHELL: Okay.

39
40 CHAIRMAN THOMAS: Thank you. Okay, that
41 completes Department?

42
43 MS. ANDREWS: Yes, Mr. Chairman.

44
45 CHAIRMAN THOMAS: Thank you. You can vacate
46 the table since you're not going to wear another hat. Other
47 agency comments?

48
49 MS. MITCHELL: This is Meg Mitchell in

50 Yakutat and I have a comment.

00061

1 CHAIRMAN THOMAS: Okay.

2

3 MS. MITCHELL: Bill, you asked what the
4 solution is. I think everybody agrees on the fact that
5 ultimately what Yakutat would like for those -- both of those
6 30 moose on that west side to go to the community. And
7 they'd like to do that by having the Situk and the Ahrnklin
8 both available at the same time.

9

10 Right now, what's preventing that is the SeaAlaska
11 selection and the State's inability to enact a local
12 preference. If one of those two circumstances changes, then
13 suddenly you get a little, you know, you can have what the
14 community probably ultimately wants and that's that most of
15 those moose would have an early season for the local
16 community and they'd be able to hunt both the Situk and the
17 Ahrnklin. And that roaded area would be available to them.

18

19 And that's probably the ultimate solution. What
20 we've tried to do, I think, in different kinds of regulations
21 is, you know, try and work around that difficulty as best we
22 can and so it's produced less desirable results either way
23 you go. And the split in the community just sort of reflects
24 that.

25

26 That's all I have.

27

28 CHAIRMAN THOMAS: That scenario you presented
29 sounds to me like that would also relieve the congestion of
30 hunters by doing that, am I anywhere close?

31

32 MS. MITCHELL: Yeah, if the Federal lands
33 within the Situk watershed were made available for the
34 Federal hunt, and the way to do that would be ultimately we
35 have to resolve the SeaAlaska ownership over selection issue
36 there. Then it would open up both drainages, you'd have an
37 early hunt and residents could hunt in any drainage and still
38 have preference.

39

40 There's only two things can happen. Basically the
41 SeaAlaska over select land issue goes away and those lands
42 are freed up, and, as you know, this -- the State, you know,
43 Constitution, I suppose could change.

44

45 CHAIRMAN THOMAS: Okay. Earlier while the
46 Department was up there Herman raised his hand and I passed
47 him up and I apologize for that. Did you keep your thought?
48 Do you remember what you were going to say?

49

MR. KITKA: When we first adopted October 8th

00062

1 resolution from the ANB, the same signatures is on there
2 talking against changing it. So I think we should leave it
3 alone. If that's what the people in Yakutat want.
4 Subsistence is priority regardless of who hunts. The State
5 is supposed to cut theirs back in favor of subsistence.

6
7 CHAIRMAN THOMAS: Okay. John.

8
9 MR. VALE: Yeah, just a brief follow-up on
10 Meg's comment there. Could you flip the light back on? I'm
11 not sure if it was pointed out but I wanted to re-point it
12 out if it was. Looking at the map here, you see the block
13 that's outlined in the hash marks there, that is the selected
14 lands of which SeaAlaska could choose but hasn't. And that
15 basically encompasses the Situk River Drainage. And then
16 between the block and the Dangerous River is mostly the
17 Ahrnklin River Drainage. And I just want it to be clear to
18 you that that area that's blocked out, part of the selected
19 lands, that -- the real problem here is, as Meg said, is the
20 fact that those lands aren't included in the Federal program
21 because ANILCA specifically excluded them until the selection
22 rights are finished. And that's the real problem.

23
24 If there was some way to include that area in the
25 Federal program, it would solve all our problems but that
26 doesn't appear to be an avenue to do that at this time. So I
27 just kind of wanted to clarify that.

28
29 Thanks.

30
31 CHAIRMAN THOMAS: Thank you. Dolly.

32
33 MS. GARZA: Mr. Chairman, I'm not sure we've
34 reached the point of Council comments.....

35
36 CHAIRMAN THOMAS: No.

37
38 MS. GARZA:but I certainly would like
39 to get to mine.

40
41 CHAIRMAN THOMAS: We have three more people
42 to hear from, three more departments. Fish and Game Advisory
43 Committee comments?

44
45 MR. VALE: That was my report earlier.

46
47 CHAIRMAN THOMAS: Fish and Game?

48
49 MR. VALE: Yeah.

00063

1 CHAIRMAN THOMAS: How come you're getting so
2 far ahead of yourself?

3
4 MR. VALE: I thought we were there.

5
6 CHAIRMAN THOMAS: Summary of written public
7 comments. Dave Johnson. What's the summary?

8
9 MR. JOHNSON: The summary you already have in
10 your booklet, Mr. Chairman.

11
12 CHAIRMAN THOMAS: Okay. Regional Council
13 deliberation, recommendation and justification. Public
14 testimony. Public testimony from Yakutat. Is Yakutat have
15 further public testimony?

16
17 MS. MITCHELL: Yes, we have one person who's
18 wanting to testify, that's Bob Breaker.

19
20 CHAIRMAN THOMAS: Go ahead, please.

21
22 MR. B. BREAKER: My name if Bob Breaker. I'm
23 a resident of Yakutat since 1965. And my history of moose
24 hunting has been on the Ahrnklin River since 1965. And I'm a
25 hunter and a user, subsistence user. And the pressure over
26 the last two years has really enhanced because of the way the
27 situation -- or the way the hunt has been set up over the
28 last two years on the Ahrnklin River.

29
30 In the past we always had some pressure because
31 there's a lot of local people that hunted and still do. But
32 it still -- it's really climbed a lot in the last couple of
33 years.

34
35 And another thing, four-wheelers, on any given day
36 there's anywhere's from 15, 20, 25 four-wheelers on the
37 Ahrnklin River. People that the only access they have is
38 four-wheelers to hunt that area because it's pretty hard to
39 hunt with a book. And there's about five or six boats
40 probably, wouldn't you say, that hunt the Ahrnklin River.
41 And most of the community and town are traditionally -- are
42 Situk hunters and it's been taken away from them because of a
43 -- last year, for example, we had 12 hours of hunting on the
44 Situk and I think the year before that there was around two
45 days hunting. So a person, if he decides to commercial fish
46 during that week of October 8th and take a chance on hunting
47 the Situk, he's denied his right for a moose pretty much
48 because of the short time period.

49

And as we've already said on there, the non-resident

00064

1 bag limit, I think it was four last year and six the year
2 before and that is a smaller bag limit than there was in the
3 past before it was changed. And I'm also the one that got
4 the partition for the backing Jack Endicott's proposal, and I
5 have 86 signatures on here and every one of them is either a
6 user, but about 95 percent of them are hunters.

7

8 That's all I got to say. Thank you very much.

9

10 CHAIRMAN THOMAS: Marilyn.

11

12 MS. WILSON: Could he read that petition?

13

14 MR. BREAKER: Did you hear me?

15

16 CHAIRMAN THOMAS: Yes, yes, thank you. The
17 petition, yes.....

18

19 MS. MITCHELL: We have another person here
20 who would like to say something.

21

22 CHAIRMAN THOMAS: Go ahead, tell me who you
23 are?

24

25 MR. J. BREAKER: Yeah, this is Jeff Breaker.
26 And I've been hunting moose every since I can remember. And
27 I remember the older days before this subsistence thing was
28 enacted. I believe the 15th of October is too late of an
29 opening, I think it should be set back towards the 1st. For
30 one reason the rut, by the 15th of October is in its final,
31 just about over stage, and what you run across in that time
32 frame, opening October 15th, you find yourself faced with the
33 large herds of bulls. The bulls seem to buddy up. And
34 sometimes you'll see seven or eight moose, just like for
35 example, this opening on October 15th of '98, there was
36 something like 17 bull moose in a little mile and a half.
37 And therefore, I do believe just about every moose, darn
38 near, that was killed on that 15th opener this year was
39 killed in one meadow. And I run into the same thing on the
40 Ahrnklin in the old days, used to climb trees and there you
41 are there'll be five or six bulls standing there and there
42 isn't a cow nowhere to be seen.

43

44 And right now on the subsistence hunt on the 8th, I
45 run across, you'll see a dominate bull with a herd of cows
46 and there isn't as many bulls all clustered up together. And
47 you got guys going into the Situk and into the Ahrnklin and
48 that 15th time and there'll be four or five four-wheelers in
49 a row and they'll drive into the meadow and there's nothing

50 but bulls standing there. And I've seen it in the old -- in

00065

1 the past, where the moose season has only lasted three days,
2 two days, depending on the weather.

3
4 And I just think that the 15th is too late. I think
5 they need to set it back and think about it a little bit
6 before they open it up like that. Because I think the
7 overall scenario is it will be good for the people to open
8 that and I believe it should be open, but I think our season
9 is too late because it's just going to shorten it up because
10 the bulls are going to be in big herds, large herds, you
11 know, three to as many as, like I say, you know 13 bulls last
12 year we seen in one herd in the Situk. And it's just going
13 to end in a shorter season if we don't maybe set it back to
14 open it all up on the 8th or even do it on the 1st of
15 October. I think the 15th, all it will do is shorten our
16 season three-fold.

17
18 That's all I have to say, thank you.

19
20 CHAIRMAN THOMAS: Thank you. So you're
21 speaking in support of the petition, right?

22
23 MR. J. BREAKER: Excuse me?

24
25 CHAIRMAN THOMAS: You're speaking in support
26 of the petition to open it on the 8th?

27
28 MR. J. BREAKER: No, I think it all should
29 open at one time. I mean that is good. But I don't think
30 that it should open as late as the 15th because all it will
31 do is it will shorten the season because the moose can be
32 literally slaughtered because they buddy up. I've been
33 hunting this area a long time and they do. The bulls seem to
34 buddy up when the rut's over and during the rut you do not
35 see that. You see a dominate bull with a bunch of cows and
36 outskirts -- on the outskirts of the herd, you know, you'll
37 find a few moose but you rarely -- do you ever see, like on
38 the 15th where there's just a phenomenal amount of bulls
39 together, it just doesn't happen when the rut's going on.

40
41 And I think it will shorten our season if you open it
42 on the 15th. I think it should all be open but it should
43 fall under that 8th opening.

44
45 CHAIRMAN THOMAS: So you're opposing Proposal
46 No. 2?

47
48 MR. J. BREAKER: I'm for Proposal No. 2. I'm
49 just saying the 15th is too late because it's going to

50 shorten our season over all.

00066

1 CHAIRMAN THOMAS: Well, it says change the
2 opening date from October 8th to October 15th.

3
4 MR. J. BREAKER: Right. To coincide with the
5 State hunt. We need the State to look at it and say, hey, we
6 need to open it up with the Federal hunt on the 8th so these
7 moose aren't all in one big herd. We need everybody to be
8 able to hunt the whole area but the 15th is too late. Do you
9 see what I'm trying to say.

10
11 CHAIRMAN THOMAS: I can't say that I do.

12
13 MR. JOHNSON: Mr. Chairman, for clarification
14 there's two petitions. Petition 1 and.....

15
16 MR. J. BREAKER: The State hunt needs to open
17 up on the 8th with the Federal hunt is what I'm trying to
18 say.

19
20 MR. JOHNSON: And what he's talking about is
21 the proposal that is listed in the booklet, as Proposal 2.
22 You're talking about the two different petitions. Petition
23 No. 1.

24
25 CHAIRMAN THOMAS: I'm reference now to the
26 proposal. The proposal said, Proposal 2 is to decrease the
27 season length by one week to align with the State season.
28 Change opening date from October 8th to October 15th.

29
30 Now, it's difficult to support the proposal and
31 object to the dates. Dolly.

32
33 MS. GARZA: Mr. Chairman. I guess I would
34 need to support what our Council member Herman Kitka said.
35 And not support a change of changing the date from October
36 8th to October 15th. This seems to be a fairly decisive
37 issue for Yakutat with two petitions, both with 80 some
38 signatures in opposite of each other. The Fish and Game
39 Advisory Council on a 4-3 split vote, there's not obvious
40 unanimous support for a change. And in the discussion I've
41 heard, the two solutions that have been brought forward is
42 one to address SeaAlaska's over selection which we can't do
43 although we could send a letter to SeaAlaska requesting that
44 they speed along with their selection.

45
46 But the other solution of bringing the State up to
47 the October 8th is not something that we can do in this
48 proposal. The only thing that this proposal is doing is
49 requesting that we change from an October 8th to an October

50 15th opening, which would reduce the amount of time available

00067

1 for subsistence hunting.

2

3 The point that you were making earlier is that this
4 is more of an inconvenience and not a major problem would
5 lead me to conclude that based on our objective as
6 Subsistence Advisory Council, that we would not be ensuring
7 subsistence needs are met by reducing the season by one week
8 when it, in fact, is only like three weeks long. And so
9 while I understand the need that something should be done, I
10 don't think that something is within what we, as a Council,
11 can suggest or can encourage be done.

12

13 CHAIRMAN THOMAS: .801 conflicts with the
14 proposal. .801 says to provide opportunity.

15

16 MS. McCONNELL: Mr. Chairman.

17

18 CHAIRMAN THOMAS: Mim.

19

20 MS. McCONNELL: Yeah, I had a question about
21 fishing dates. John, could you let me know what fisheries
22 you're talking about and what the closures and openings are
23 for those fisheries that effect us?

24

25 MR. VALE: I'd be happy to. Basically our
26 gillnet season is the main fishery of reference. And it
27 occurs through the first week in October and sometimes later
28 on a good year when there's lots of fish. And also, if I
29 could, Mr. Chairman, I've been reserving my comments until we
30 get to the discussion phase and we have a motion on the table
31 dealing with the proposal and I suggest that, you know, we
32 move that direction if we're ready to go there.

33

34 CHAIRMAN THOMAS: That would be the only
35 proper discussion at this point is to do it under a motion.
36 A motion's in order.

37

38 MS. PHILLIPS: Chairman Thomas.

39

40 CHAIRMAN THOMAS: Patty.

41

42 MS. PHILLIPS: I have a question for Staff.

43

44 CHAIRMAN THOMAS: Okay.

45

46 MS. PHILLIPS: Where are the other hunters
47 that are non-Yakutat hunters? Where are they from? Do you
48 know, are they Alaskans and from what part of Alaska,
49 generally?

00068

1 MR. WILLIS: They are Alaska residents,
2 Patty. I don't really know where they come from. They fly
3 in obviously, some probably come from Juneau. Neil Barten
4 might be able to answer that off the top of his head or maybe
5 John could answer that, but I certainly can't. There aren't
6 a large number of them. I might point out that there's been
7 some discussion of backing the State season up and that would
8 not change the relationship between the local and the non-
9 local hunters, it's just that everybody would start a week
10 early instead of everybody starting on the 15th.

11
12 Neil, would you like to speak to the addresses of the
13 non-local people.

14
15 MR. BARTEN: Yeah, this is Neil Barten again.
16 Yeah, we get -- most of them are probably in-state residents
17 but from, you know, various parts of Alaska, whether it's
18 Juneau, Anchorage, Fairbanks, whatever but we do get a few
19 out of state hunters as well, you know, from the Lower 48.
20 But most of them are residents of Alaska who just happen to
21 fly in from, be it Anchorage or Fairbanks or some other
22 community.

23
24 MS. PHILLIPS: And the other thing that was
25 brought up was about these jet boats, and what about, you
26 know, shutting the jet boats out of the rivers?

27
28 MR. WILLIS: That was something that was
29 mentioned in the proposal, that was it gave an unfair
30 advantage to people who had jet boats. These are local
31 subsistence users we're talking about. It's just some have
32 jet boats and some don't. So you're not talking about people
33 who don't live there in Yakutat when you talk about the jet
34 boats.

35
36 MS. PHILLIPS: Well, you know, like in
37 Southeast we have provisions that, you know, shut down
38 snowmobiles for trapping, you know, because there was too
39 many, you know, being taken. So.....

40
41 MR. WILLIS: That idea hasn't come up before
42 of eliminating jet boats. I really don't know how many boats
43 we're talking about or how many moose they take.

44
45 MS. PHILLIPS: And the reason I asked about,
46 you know, non -- who the non-Yakutat residents were, is in
47 recognition of the commercial fishermen that spend a good
48 part of their season in the Yakutat area but who live in
49 other areas of Alaska.

00069

1 CHAIRMAN THOMAS: Okay, we're going to
2 continue discussion under a motion. Dolly.

3
4 MS. GARZA: Mr. Chairman, I would move that
5 we support Proposal No. 2.

6
7 CHAIRMAN THOMAS: Is there a second?

8
9 MS. WILSON: I second that.

10
11 CHAIRMAN THOMAS: Moved and second.

12 Discussion. John.

13
14 MR. VALE: Yeah, thank you, Mr. Chairman.
15 I'm really on the spot on this one here.

16
17 CHAIRMAN THOMAS: You're the man on the spot
18 now, that's why you were paid so good.

19
20 MR. VALE: I guess I'm going to ramble a
21 little bit here in my long-winded fashion.

22
23 CHAIRMAN THOMAS: Okay, let me just lean back
24 here a little bit.

25
26 MR. VALE: But I think the problem being
27 addressed by this proposal here, the overcrowding on the
28 Situk and the fact that there is not as much opportunity --
29 the overcrowding on the Ahrnklin and the fact that that's led
30 to less opportunity on the Situk is a serious problem that
31 needs to be addressed.

32
33 There are legitimate concerns. There's a great many
34 people in the community that are very concerned about this
35 hunt. And the situation here that's come about as a result
36 of the two systems, Situk and Ahrnklin, not opening at the
37 same time. We, for as long as I've lived in Yakutat, the
38 moose hunt has gone pretty well in terms of the timing on
39 October 15th. People have been pretty happy with that. And
40 I supported this change several years ago because after it
41 was addressed by the community it had the community's
42 support. And even though I had reservations at that time, I
43 supported it for that reason.

44
45 And in my view it no longer has community support.
46 There's a significant portion of the community that does want
47 to see this hunt maintained. And some feel that it's needed
48 in order to get more moose into the local freezers. And in
49 my view, most of them support it because they just like the

50 October 8th better, it works out for them personally a little

00070

1 better in what they like to do.

2

3 However, I am concerned about the moose population on
4 the Ahrnklin, while there's potential for crossover for moose
5 from the Situk Drainage and from east of the Dangerous. In
6 my experience, having hunted the area and I think the level
7 of harvest that's occurring there is going to have a
8 detrimental effect to the moose population. And for
9 biological reasons it's important to, at the very least, open
10 up that area west of the Dangerous at the same time to reduce
11 those potential biological effects and also the problems with
12 increased competition on the Ahrnklin, increased safety
13 concerns and the lack of opportunity on the Situk as a
14 result.

15

16 So I think something needs to be done here.

17

18 And also, prior to this hunt, as the record shows
19 here a significant portion of those moose were being taken by
20 Yakutat hunters, and that hasn't really changed since this
21 hunt has come along. The real reason it hasn't changed at
22 least west of the Dangerous is because we're really seeing
23 the same level of effort. And all we've really done is just
24 changed the dates.

25

26 And so I guess it's my feeling that there is adequate
27 opportunity for local users to take moose to meet their needs
28 and I think they are meeting their needs with an October 15th
29 date. And so I think we need to do something on this
30 proposal to address all those concerns.

31

32 Now, I know there's a good number of people in the
33 community who support the October 8th deadline. I've spoke
34 to many of them and many of them are fishermen who operate in
35 the area east of the Dangerous, that is, from the Dangerous
36 River to Dry Bay. They're fishing the Italio Rivers, Aquawa,
37 the Alsek and the East Alsek Rivers, and there's a sufficient
38 number of fishermen spread out on those river systems.
39 Typically our fishery ends by the end of the first week in
40 October, and it just so happens that the October 8th deadline
41 works very well for them because they quit fishing and
42 they're already out there at their camps and it works great
43 for them to just be able to go hunting then. Otherwise
44 there's a need for them perhaps to come back to town and then
45 go back to their camps in order to participate in an October
46 15th hunt. And so I know that many of the people who support
47 this hunt support it for that reason. Because it works out
48 better for them, personally. And many of those are hunting
49 and using the area east of the Dangerous River.

00071

1 Now, I proposed a compromise when we discussed this
2 proposal locally that didn't really go anywhere. I suggested
3 that we modify the proposal to change back the area west of
4 the Dangerous to October 15th, that eliminates the problems
5 of over crowding on the Ahrnklin and the lack of opportunity
6 on the Situk. Yet it would still hold the area out west of
7 the Dangerous -- or east of the Dangerous, would still
8 provide opportunity in that area for an earlier hunt that
9 many people do support.

10
11 My proposed compromise didn't really go anywhere
12 locally. Basically people are very split on this issue,
13 right down the middle. And they have been fairly entrenched
14 in their positions. Either they adamantly want it to be the
15 October 15th or they're pretty adamant about it remaining the
16 8th.

17
18 Personally, I'm not comfortable with voting against
19 this proposal and maintaining the October 8th reasons because
20 of the many concerns that we're trying to issue here. And
21 the area east of the Dangerous River now has had a higher
22 percentage of non-local harvest because it's less accessible
23 and by the time the State season opens there's more moose to
24 be harvested over there and as a consequence, you know,
25 there's been less harvested by local persons. So I think
26 there's justification for maintaining the hunt on the east
27 side of the Dangerous. And I think there's good
28 justification for going back to the 15th on the west side.

29
30 And even though this proposed compromised wasn't
31 accepted by the folks in town, I would, for the reasons
32 previously mentioned, I would offer a motion at this time to
33 amend the proposal to return to the October 15th date east of
34 the -- west of the Dangerous and that would be by State
35 registration permit because there's not a need for a Federal
36 registration permit if this amendment passes, and maintaining
37 this hunt on area of east of the Dangerous River, and that's
38 my motion.

39
40 CHAIRMAN THOMAS: A motion's been already --
41 well, let's see.....

42
43 MR. VALE: I'm motioning to amend the
44 proposal.

45
46 CHAIRMAN THOMAS: Okay, let me read something
47 here. Is there a biologist assigned to this project that
48 helped developed the proposal?

49

MR. VALE: I'm not aware of any.

00072

1 CHAIRMAN THOMAS: The reason I ask is, it
2 says, moose population on the Ahrnklin will decline leaving
3 too many moose on the Situk Drainage, which will ultimately
4 deplete their forage. Well, that's a pretty stiff biological
5 assessment I would say and I haven't heard one of them in a
6 long time.

7
8 The effect on proposed changes on subsistence users,
9 this will spread out the hunting effort and give everyone a
10 chance at a moose and the moose population could be better
11 managed. We're straying now from managing subsistence. See
12 what I'm saying? Our job here is to manage subsistence. And
13 I don't think we should cross borders and try to manage other
14 user groups. Our reason here is to satisfy the provisions of
15 Title VIII. I was just looking in my book here to try to see
16 what some of the reasons for Board rejections to make sure
17 that we don't violate anything so that we -- one of them was
18 -- it has to be consistent with management practices; can you
19 quote me better on that Robert?

20
21 MR. WILLIS: I think so, Mr. Chair.
22 Consistent with sound biological principles or does not meet
23 the needs of the subsistence user and I forget what the third
24 one was but maybe those two will cover it. And not supported
25 by substantial evidence.

26
27 CHAIRMAN THOMAS: Right. Okay.

28
29 MR. VALE: Mr. Chairman.

30
31 CHAIRMAN THOMAS: Yes.

32
33 MR. VALE: If you're finished, I'd like to
34 respond to your comments.

35
36 CHAIRMAN THOMAS: Well, I think it's probably
37 going to warrant some discussion.

38
39 MR. VALE: Yeah.

40
41 CHAIRMAN THOMAS: Go ahead.

42
43 MR. VALE: Well, I see one issue, important
44 subsistence issue in this for the users. Is first of all, I
45 basically see this as all the people involved really are
46 subsistence users. The level of use by non-local hunters is
47 really small in my mind. And so what's going on to this
48 hunt, I really feel, is we're talking something that effects
49 all the subsistence users.

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1 And one of the significant detrimental effects of
2 this hunt, as we mentioned earlier, is the fact that by the
3 time the Situk opens there are few animals left west of the
4 Dangerous, left on the quota. So we've had one or two days
5 hunting on the Situk. There's a great -- that's probably the
6 most preferred hunting area, locally. And so this hunt has
7 led to a decline in subsistence opportunity on the Situk
8 Drainage, because simply, people don't have the opportunity
9 there anymore, they only have one day. It's a beautiful
10 river, it's excellent moose habitat, many people love to hunt
11 in there. And they're really not getting their opportunity
12 anymore because the quota gets filled before they really have
13 a chance to stomp around the woods very much. And so there
14 has been a detrimental effect to those subsistence users who
15 like to hunt the Situk, who prefer to hunt the Situk.

16
17 And then of course, there's been a detrimental effect
18 to those subsistence hunters on the Ahrnklin because they've
19 been faced with twice the competition for the same number of
20 moose. And you know, the other concerns, the safety and
21 whatnot that are a result of that. And I do believe that
22 maybe if you look at the Yakutat forelands in general,
23 there's not a biological concern for the moose but I do
24 believe that if this hunt continues as it is on the Ahrnklin
25 River, we are going to see a detrimental effect to the moose
26 habitating that drainage system. And I believe that that's a
27 likely case.

28
29 So we're really mostly talking about subsistence
30 users here whether it's east or west or what have you. And
31 the decisiveness that's come about as a result of this hunt,
32 I really don't care for. And if, you know, this proposal
33 goes down to defeat we're going to continue with that
34 decisiveness, we're going to continue with half the people in
35 town being very unhappy with this hunt and it's not going to
36 resolve any of the problems or concerns. So I really feel
37 it's important to take a step here to try and resolve those
38 concerns.

39
40 I guess I think my amendment, even though it didn't
41 fly in Yakutat, I think it does solve the problem. It
42 provides an earlier season east of the Dangerous outside of
43 those selected areas, and it also addresses the overcrowding
44 biological and the lack of opportunity on the Situk.

45
46 CHAIRMAN THOMAS: This looks like a pretty
47 good proposal until they get to where it says, communities
48 which use this resource, Yakutat. And then it says, this
49 really isn't a customary and traditional resource. The moose

50 have only been in the area for 40 or 50 years. Who made that

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1 determination?

2

3 MR. VALE: You know, I'm glad you raised
4 that. Because the maker of the proposal, Jack Endicott, one
5 of the makers, he didn't have that language in his proposal.
6 And at our advisory committee meeting he complained
7 strenuously that that language was included in there. And I
8 told him my guess was that the other person, Mike Tracy, that
9 must have been language in his proposal and then they were
10 combined. And the one proposal included that language.

11

12 I really think that comment is out of line and
13 misplaced and has no place in this proposal. Because clearly
14 both the State, back in the '80s said that Yakutat
15 customarily and traditionally used moose, the Federal program
16 has made that determination as well and all the residents,
17 with few exceptions, I'm sure, believe that's the case. So I
18 just think that that particular language was out of line and
19 probably shouldn't have been included in there.

20

21 CHAIRMAN THOMAS: Okay. Dolly and then Alan.

22

23 MS. GARZA: Yeah, before we get too far into
24 discussion I want to make sure that I second the amendment.
25 And also relative to your noticing, we also did notice that
26 and I think it's quite disturbing. I think whenever I think
27 of Yakutat, one of the things I think of is the beautiful
28 regalia and it always involves smoke moose hide, so I can't
29 imagine how they could have had that regalia 200 years ago
30 without the moose.

31

32 CHAIRMAN THOMAS: Alan.

33

34 MR. SORUM: I guess I'd like to wait on my
35 discussion until we move on the amendment.

36

37 CHAIRMAN THOMAS: We're discussing the
38 amendment now.

39

40 MR. SORUM: I know, I didn't want to discuss
41 the amendment.

42

43 CHAIRMAN THOMAS: Oh, you don't want to
44 discuss the amendment?

45

46 MR. SORUM: Uh-huh.

47

48 CHAIRMAN THOMAS: Do you want to discuss the
49 amendment Gabe, Gabriel or Abraham?

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1 MR. GEORGE: Yeah, I think I want to discuss
2 the amendment and the proposal or the proposal as amended and
3 the old proposal.

4
5 I think a couple of things, one is the -- when we
6 talk about subsistence users and use of a resource, of which
7 we're talking about today, to decrease a season, to eliminate
8 a doe hunt, to do some things that may effect a person, a
9 family, a user, in subsistence resource use is contrary to
10 why I think we're here today. To provide opportunities, to
11 provide seasons, bag limits and uses of resources in
12 Southeast Alaska is why we're here. To eliminate some of
13 those opportunities for a family, a person and all, it seems
14 to me like Yakutat is split on the proposal, therefore, I opt
15 to speak against the proposal. I speak against the amendment
16 or the proposal as amended. And maintain that the season
17 starting on the 8th, so as not to eliminate a subsistence
18 user that has been using it on the 8th and may not use it in
19 the later part of this season.

20
21 So therefore, I speak against the amendment and the
22 proposal based on the information that we have received, and
23 the information that we have not received as to who would be
24 effected by the change in regulation. My assumption is that
25 the petitioners that are for the earlier season would be
26 effected, so it seems to be split and we have to -- I think,
27 have to vote in favor of the users and the past uses. And to
28 eliminate those then, I think requires a legal determination,
29 that something biologically is wrong or that -- I don't know
30 what else it triggers, but it triggers more than that --
31 more, thank I think what we have in front of us today.

32
33 Thank you.

34
35 CHAIRMAN THOMAS: Thank you. Mim, and then
36 Dolly.

37
38 MS. McCONNELL: Yeah, I would like to have
39 that map up there again and I'm a little bit confused about
40 what the amendment does. If it could be explained with the
41 map there in front of us. And then I was also interested in
42 hearing some Staff comments about the amendment.

43
44 MR. WILLIS: Thank you, Mr. Chair. The first
45 thing I need to do is turn that map in the right direction.
46 Having accomplished that, here's the Dangerous River. The
47 Ahrnklin River both lie west of the Dangerous. This is the
48 area that has the 30 bull quota. The area east of the
49 Dangerous River is this non-road accessible area here. The

50 fishermen that John was referring to that hunt that area, as

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1 I understand it, have camps in this area, they fish
2 commercially in this area, beyond the road system, and
3 therefore, they have the opportunity to hunt this area and
4 they like to hunt it on the early opening.

5
6 What John's recommendation would do would be to go
7 back to an October 15th opening for all of this area here.
8 That is, these are the Federal lands, these are the non-
9 Federal lands. All this would open on the 15th which would
10 spread out the hunting pressure between this drainage and
11 this drainage over here, both of which are on the road
12 system. The early opening would be maintained in this area,
13 which is beyond the road system.

14
15 MS. McCONNELL: And so, Mr. Chairman, the
16 pressure would decrease east of the Dangerous but it would
17 still be open and available for people to hunt; is that what
18 would be accomplished by the amendment? One of the things
19 accomplished?

20
21 MR. WILLIS: The pressure east of the river
22 -- go ahead, John.

23
24 MR. VALE: Yeah, what the amendment would do
25 is remember the quota is for the forelands is divided into
26 two segments, east and west Dangerous. And what the
27 amendment would do is open west, all at the same time,
28 eliminating all the problems and concerns dealing with the
29 Situk and the Ahrnklin, and maintain the opening east of the
30 Dangerous, still providing a Federal opportunity in that
31 area.

32
33 MS. McCONNELL: Uh-huh.

34
35 MR. VALE: Does that answer your question?

36
37 MS. McCONNELL: I think so. So then my other
38 issue -- it looks like maybe Dolly's got a question, too, I
39 just wanted to make sure that I got some opinions from the
40 Staff on the amendment?

41
42 CHAIRMAN THOMAS: You can't do that, you have
43 to ask specific questions of the Staff. They've already made
44 their comments.

45
46 MS. McCONNELL: In other words, would they
47 support it or are they opposed to it, the amendment?

48
49 CHAIRMAN THOMAS: We got our testimony from

50 the agencies already.

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1 MS. McCONNELL: Not on the amendment though.

2
3 CHAIRMAN THOMAS: We've got them on the
4 proposals.

5
6 MS. McCONNELL: But not the amendment.

7
8 CHAIRMAN THOMAS: The action is the Council's
9 responsibility. Dolly.

10
11 MS. GARZA: Mr. Chairman, when I supported
12 putting Proposal 2 on the table that was following Robert's
13 Rules of Order. And my intent was to vote against it.
14 However, I do support the amendment. And it's sort of a
15 convoluted process in my mind.

16
17 But I think that the intent of the amendment is that
18 it does maintain an early opening for the people who camp in
19 that area and who would like to have that early opening. I
20 think without that amendment, what I had heard earlier from
21 Mr. Vale was that if there are residents in Yakutat who don't
22 have easy access to those more further out areas, by the time
23 that the Situk area is open, there are so few moose left to
24 take in the quota that, in fact, in my opinion we are
25 decreasing the subsistence opportunities for people who don't
26 have the big boats and who can't get away and easily harvest
27 at a more distant rate. It would sort of, like for Sitka
28 saying that we're going to open early only up in Salisbury
29 and anybody who can't get up to Salisbury isn't going to be
30 hunting and I see that as an issue. And so by having the
31 early opening, making sure we have a subsistence opportunity
32 for the people who camp in that area, but also leaving an
33 area that's large enough for people who can't get to a remote
34 location, to give them the opportunity to hunt a larger
35 remaining quota, I think would meet our goals as to making
36 sure we provide subsistence opportunities. And for that
37 reason, I would support the amendment.

38
39 MR. GEORGE: Mr. Chairman.

40
41 CHAIRMAN THOMAS: Gabe.

42
43 MR. GEORGE: I think that, you know -- I
44 think that management could somewhat resolve the issue, you
45 know, in the future by looking into the bag limits and quotas
46 in terms of spreading it out without having to eliminate or
47 change a season. You know, I'm opposed to changing seasons
48 for political reasons for the good of a poll, or you know,
49 when half -- well, not even whole, but half of the community

50 is for it, half of it is against it and all.

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1 So that in terms of opportunities and all and the
2 health of the stocks, we haven't heard that the stocks were
3 unhealthy. They may become unhealthy but -- and there may be
4 a way to address it by changing -- or dividing the quota so
5 they can have in-season management and recognize that -- I
6 guess. Does that sound somewhat reasonable in terms of still
7 having a sea -- I mean I don't agree with changing the season
8 so it seems like management could spread out that quota in
9 different areas. Does that seem somewhat reasonable?
10 Because otherwise we may be eliminating somebody who is not
11 here or somebody who is not on the telephone or somebody who
12 needs to harvest that moose at a certain place at a certain
13 time, I don't know. That's the information that we don't
14 have.

15
16 MR. VALE: I guess, Gabe, in response to
17 that, I don't know if Fish and Game would have a response but
18 to me I don't know what could be done, what other things
19 could be done dividing up quotas further and everything that
20 would address the problem. I'm skeptical that anything like
21 that could be done to address the issue. And it seems to me
22 that the cleanest, simplest way is to address it much in the
23 manner that we are here.

24
25 And I'd like to follow that up with I appreciate
26 Dolly's comments there because I think it's a fair
27 description of what would happen with this amendment. And I
28 do see the existing hunt as a detriment to subsistence users
29 for all the reasons outlined. And the amendment would bring
30 about a situation that would be, I believe, a positive effect
31 for all the people in Yakutat.

32
33 CHAIRMAN THOMAS: Can the recorder read us,
34 what do you have for the main motion and -- don't go into any
35 of that discussion, just kind of bullet what the main motion
36 was and what the amendment was, if you could sort that out?

37
38 COURT REPORTER: Right now?

39
40 CHAIRMAN THOMAS: Yes.

41
42 COURT REPORTER: Give me one minute.

43
44 MS. GARZA: The main motion was just to
45 support Proposal 2.

46
47 COURT REPORTER: Right.

48
49 CHAIRMAN THOMAS: Okay, and the amendment?

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1 MS. GARZA: John.

2
3 MR. VALE: The amendment was to amend the
4 proposal to go back to the October 15th date for starting the
5 season under a State registration permit and maintaining the
6 -- that would be west of the Dangerous and it would leave the
7 area east of the Dangerous as is, would continue to be opened
8 on the 8th. It just effects the area west of the Dangerous
9 and it would send it back to October 15th in that area.

10
11 CHAIRMAN THOMAS: Okay, thank you. Mim.

12
13 MS. McCONNELL: What -- so if you were to
14 read that in the book here; Unit 5(A), it has except Nunatak
15 Bench, would that still stay in there, too?

16
17 MR. VALE: Yes.

18
19 MS. McCONNELL: And then, would you maybe
20 say, except east of Dangerous River, is that how it would
21 read? Or would -- how would the actual language go?

22
23 MR. VALE: Using the language in the book
24 here, it would read, the moose season in Unit 5(A), except
25 Nunatak Bench, would change from -- the amendment would make
26 it west of the Dangerous River, it would be October 15th to
27 November 15th, and east of the Dangerous River would remain
28 as is.

29
30 MS. PHILLIPS: John, I'm wondering east of
31 the Dangerous, the October 8th opening, is that open to all
32 hunters or Yakutat residents only?

33
34 MR. VALE: That's a good question. It's open
35 to Yakutat residents open.

36
37 MS. PHILLIPS: In your motion?

38
39 MR. VALE: Not in my motion. Presently and
40 my motion doesn't effect that. And I guess it's a good
41 question because we should point out as it does in the Staff
42 report. That even on October 15th, when we go to the October
43 15th west of the Dangerous, Federal lands are still closed to
44 non-subsistence hunters. So even west of the Dangerous from
45 October 15th through the 21st, it is only open to local
46 residents.

47
48 See, so even if we go to the October 15th west of the
49 Dangerous, only those portions in that blocked area there,

50 the Situk Drainage to town would be open to non-local

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1 hunters. The rest of that area would continue for seven days
2 to be only opened to local residents. So there would still
3 continue to be a Federal subsistence season in that area
4 although it wouldn't -- the way that it is handled, is those
5 Federal lands are closed to non-local hunters for seven days.
6 So it wouldn't technically be a Federal season, it would just
7 -- those lands would be closed. And so it's not exactly the
8 same thing but effectively it is.

9

10 CHAIRMAN THOMAS: John, on the paragraph on
11 reason for changing the regulation. It says, the idea of the
12 subsistence hunt was to have local people to get first chance
13 at the moose, as it is now, only a few jet boats get the
14 majority of the moose. Well, those guides that live there
15 are eligible users. And so is this suggesting that the moose
16 they get is not for subsistence consumptive moose?

17

18 MR. VALE: No. And I -- personally, I don't
19 feel that that's an accurate statement, you know. I think
20 that may be a perception that somebody had. I don't know if
21 it was Jack or the other person who submitted the proposal.
22 But in reality, there's a good many of people using skiffs
23 with jet units. And to say that the guides are getting them,
24 I think, is inaccurate and it's really not a fair statement.

25

26 CHAIRMAN THOMAS: Boy, this is losing
27 credibility pretty fast here. More comments from the
28 Council.

29

30 MS. RUDOLPH: I was just wondering we've
31 addressed something like this before and it caused a lot of
32 hard feelings against the Council. The ones that are for the
33 change, are there more for the change or less for the change
34 in Yakutat? Are they to -- for me, just to be going over
35 this has been all new to me, so are they pretty well familiar
36 with really what it contains on the changes and what's going
37 to happen? Like you just said, you know, I think I would go
38 with the amendment you made because of the extended opening
39 for subsistence users.

40

41 But I was just wondering how many of the ones that
42 signed the petition are really totally aware of what's being
43 asked for in protecting what you're saying?

44

45 MR. VALE: You know, there -- it's my feeling
46 that even though the community's split on this one, most
47 people would support going back to the 15th, that's my
48 feeling from communications I've had and discussions and
49 everything that have gone on. But that's not to say that

50 there aren't a significant number of people that would like

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1 to see it remain on the 8th. Those who do want to see it
2 remain on the 8th, a significant portion of them are largely
3 interested in the area east of the Dangerous for the reasons
4 I mentioned, they have fish camps in the area, they like the
5 timing of that.

6
7 So as far as the two petitions go, the first petition
8 that opposed the proposal came out early this winter,
9 December, January time. And I guess it's my feeling that
10 many of the people saw that petition, maybe it's not fair for
11 me to say, but they saw it as a petition that basically said,
12 we're not for removing a -- we don't want to see our
13 subsistence season eliminated. I mean that's kind of the
14 guts of what I see. The petition said, well, we the
15 undersigned, and I can pull it up here, are not in favor of
16 eliminating our subsistence season. Well, I think a great
17 many people would have signed that petition based on the
18 language that was in there. I don't believe that many of
19 those people understood the issues, what the proposal was
20 about, the problems on the Ahrnklin and the Situk.

21
22 And I did notice that even though we don't have the
23 first page, the second petition that came in, I saw a number
24 of signatures on that one that were also on the first
25 signature so -- I mean on the first petition. So I guess I
26 feel that all those who signed the first petition probably
27 weren't very well informed as to what the proposal was about.
28 Now, I'm sure there are some who would take issue with that,
29 but that's my feeling about it.

30
31 And after we've had our meetings locally, you know,
32 the second petition has come on the heel of that and I think
33 people are much more informed now of what the proposal is
34 about. But that's -- it's still, as I said though, there are
35 supporters on both sides of the issue. The amendment, I
36 believe, is a good compromise. I think it answers the
37 problems that were being raised by the proposal, addresses
38 those, and it still provides an early Federal subsistence
39 hunt. Particularly, you know, that area east of the
40 Dangerous, has got a higher number of moose taken by non-
41 local hunters. So the original justification was to bring
42 more moose into the freezers for Yakutat residents. But the
43 reality was is that we were getting most of the moose west of
44 the Dangerous to start with. And so there isn't really a lot
45 of room for improvement by maintaining that earlier season.
46 But the opposite is true when you go east of the Dangerous.
47 I don't have those numbers in front of me, but I would
48 estimate that maybe half of those moose on that side were
49 taken by non-local residents. So by maintaining the Federal

50 hunt on that side of the Dangerous, we do have an opportunity

00082

1 of bringing more moose into the households of Yakutat
2 hunters.

3

4 And that's part of the reason why I offer that
5 amendment, because there still is.....

6

7 CHAIRMAN THOMAS: I've got something, I need
8 to consult my legal counsel, Herman. Herman, it says here,
9 the season will be closed in that forest west of the
10 Dangerous River when 30 antlered bulls have been taken in
11 that area from October 15th to October 21, that's six days.
12 Public lands will be closed to the taking of moose, except by
13 rural residents of Unit 5. In other words, after the 21st,
14 those lands will be closed to people except the people of
15 Yakutat, which will remain, is that the.....

16

17 MR. VALE: No, you're reading that backwards,
18 Bill. What it does is.....

19

20 CHAIRMAN THOMAS: I'm reading it as it's
21 presented.

22

23 MR. VALE: Yeah. It says from October 15th
24 to the 21st -- from the 15th to the 21st, public lands will
25 be closed.....

26

27 CHAIRMAN THOMAS: Right.

28

29 MR. VALE:to the taking of -- except
30 for residents of Unit 5(A), which is Yakutat, see. So that's
31 what I'm saying. Those Federal lands outside those nine
32 townships there are going to be closed to non-local hunters
33 from the 15th to the 21st. That will not change if this
34 proposal is passed, it will continue to be closed. After the
35 21st, then non-local hunters can take part in the moose hunt
36 on Federal lands.

37

38 Did that help?

39

40 CHAIRMAN THOMAS: No. Additional
41 information, now, after all is said and done, additional
42 information says, this current hunt is unpopular with the
43 community for the reasons stated above. So it's unpopular --
44 unpopular is not a necessary urgent request for change, you
45 know. This isn't going into the People Magazine or anything
46 like that.

47

48 Herman.

49

MR. KITKA: 1995 Yakutat people brought that

00083

1 same signatures that's on that petition against changing it.
2 They brought it to Juneau, Grand Camp, and Grand Camp
3 approved it, that regulation to change the October 8th -- I'm
4 in favor of leaving it that way unless the community wants it
5 changed.

6
7 CHAIRMAN THOMAS: Well, there's no clear
8 distinction of that to be the case because of the
9 decisiveness.

10
11 Mim.

12
13 MS. McCONNELL: Yeah, I'm curious and trying
14 to anticipate what problems might occur with the amendment.
15 If the 8th to the 15th was open just east of the Dangerous
16 River, is there a possibility that the 30 moose that are set
17 aside for local hunters, is there a possibility that those 30
18 could all be taken east of the Dangerous.

19
20 MR. VALE: By local hunters?

21
22 MS. McCONNELL: During that first 8th to the
23 15th?

24
25 MR. VALE: I say it's unlikely because it's a
26 reduced effort but there's a certainly a possibility of that.

27
28 MS. McCONNELL: If that were the case, then
29 would it be possible to amend it further so that say that
30 15 moose could be taken east of the Dangerous during the 8th
31 to the 15th and then -- I see Bob raising his hand over
32 there. Do you see my point there?

33
34 MR. VALE: No, I don't Mim.

35
36 MS. McCONNELL: No.

37
38 CHAIRMAN THOMAS: That was a specific
39 question. Robert, go ahead.

40
41 MR. WILLIS: The total quota, Mim, is 60
42 bulls.....

43
44 MS. McCONNELL: Right.

45
46 MR. WILLIS:in the entire area. Only
47 30 can be taken west of the river.

48
49 MS. McCONNELL: Uh-huh.

00084

1 MR. WILLIS: You can take all 60 of them east
2 of the river if you want to. If you took 40 bulls east of
3 the river, you would still have 20 bulls that you could take
4 west of the river when that opened.

5
6 CHAIRMAN THOMAS: Further discussion.
7

8 MR. VALE: I guess I'd like to point out that
9 with the Federal closure, under this amendment, if we
10 maintain the hunt on October 8th under Federal permits east
11 of the Dangerous we would end up actually with a two week
12 period in that area, from the 8th to the 21st where only
13 local hunters would be able to hunt. And west of the
14 dangerous, we would still have the period between the 15th
15 and the 21st where only local hunters can hunt except the
16 Situk Drainage which is not included in the Federal program.

17
18 MS. McCONNELL: My concern with why I brought
19 that up was if you restrict the 8th to the 15th to just east
20 of the Dangerous, if all of the local -- if all of the moose
21 available for the local residents were taken east of the
22 Dangerous you may be eliminating hunters that can't fish or
23 can't hunt east of the dangerous, the local hunters. So I'm
24 -- I wanted to see if, you know, you understand.

25
26 MR. VALE: I didn't. Try that again.
27

28 MS. McCONNELL: You didn't. What I could see
29 happening was the 8th to the 15th, all of those 30 moose that
30 are reserved for that early hunt, am I right with that
31 number, 30?

32
33 MR. WILLIS: No.
34

35 MS. McCONNELL: No, I'm not?
36

37 MR. WILLIS: Sixty. You start out.....
38

39 MS. McCONNELL: What's the total number of
40 moose that can be taken?

41
42 MR. WILLIS: Total number of moose that can
43 be taken is 60.
44

45 MS. McCONNELL: Okay. And how many are
46 reserved for the October 8th to the, whatever it is, the
47 15th?

48
49 MR. WILLIS: It's not broken down by season,

50 Mim, it's broken down.....

00085

1 MS. McCONNELL: It's not broken down by
2 the.....

3
4 MR. WILLIS:by which side of the river
5 you're on.

6
7 MS. McCONNELL: Oh.

8
9 MR. WILLIS: It's 60 bulls for the whole
10 area. Only 30 can be taken in the area west of the river,
11 which is on the road system, okay?

12
13 MS. McCONNELL: Okay.

14
15 MR. WILLIS: If you could shoot all 60 over
16 here which is highly unlikely, you could do so. But what --
17 in reality what happens is the harvest over here is only once
18 twice since the 60 bull quota was established has 30 bulls
19 been taken over here.

20
21 MS. McCONNELL: Um.

22
23 MR. WILLIS: It doesn't happen very often.
24 You always get your 30 bulls or right at.....

25
26 MS. McCONNELL: You still have 30, okay.

27
28 MR. WILLIS:it up here on the road
29 system.

30
31 MS. McCONNELL: Okay.

32
33 MS. PHILLIPS: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Patty.

36
37 MS. PHILLIPS: We have a family in Pelican,
38 five generations Alsek River commercial fishermen, they make
39 their season on the Alsek River, and -- but they won't be --
40 if this amendment passes, they would not be able to hunt
41 moose until after the 21st.

42
43 MR. VALE: No.

44
45 MS. PHILLIPS: Because they're not residents
46 of Yakutat.

47
48 MR. VALE: Well, presently that's the way the
49 existing hunt is, from October 8th to October 21st, that area

50 is closed to non-local hunters. So this amendment and this

00086

1 proposal, I mean the amendment anyway does not change that in
2 any way, shape or form.

3

4 MS. PHILLIPS: It's the 15th?

5

6 MR. VALE: Yeah, but that's the Dry Bay area,
7 where you're referring to, is east of the Dangerous, that
8 would stay with October 8th under the amendment, and that's
9 the present season. We're not going to change anything
10 there. So we're talking no change east of the Dangerous.

11

12 MS. PHILLIPS: The present season is what?

13

14 MR. VALE: Presently is set up to where you
15 have a Federal season from October 8th to the 15th. Then on
16 the 15th it opens up under a State season across the entire
17 forelands. However, Federal lands are closed from the 15th
18 to the 21st for non-local hunters.

19

20 MS. PHILLIPS: I see.

21

22 MR. VALE: So in essence you end up with
23 opportunity for local hunters from the 8th to the 21st in the
24 area east of the Dangerous.

25

26 MS. PHILLIPS: Okay.

27

28 MR. VALE: Now, this amendment wouldn't
29 change anything, it leaves that as is. It would only change
30 the area west of the Dangerous to address all the issues and
31 concerns that have been raised.

32

33 CHAIRMAN THOMAS: Are we ready for the
34 question? Everybody's clear as crystal? Marilyn.

35

36 MS. WILSON: Yeah, I would like to know how
37 many hunters west of Dangerous River; is there a number on
38 that? Or how many moose have been taken from that area?

39

40 MR. VALE: The harvest is in the Staff
41 report. It shows anywhere from 23 to 26 west of the
42 Dangerous taken by local hunters.

43

44 MS. WILSON: Twenty-three.

45

46 MR. VALE: I think it's 27 the last few
47 years. The -- what was the first part of your question,
48 Marilyn?

49

MS. WILSON: I just wanted to know how many

00087

1 moose were taken.

2

3 MR. VALE: Oh, the number of hunters?

4

5 MS. WILSON: Number of hunters?

6

7 MR. VALE: Meg Mitchell might have that
8 information for you or perhaps Neil. I'd guess 125 would be
9 a ball park guess on my behalf hunting west.

10

11 MR. BARTEN: Excuse me, this is Neil Barten
12 again. I have that information, I think it's up in a folder,
13 I can dig it out and let you know in a few minutes. Because
14 we do have information on -- we get information from the
15 people who hunt under Federal subsistence permits as well as
16 State registration permits. So we know how many people hunt
17 each area, we know how many are successful, how many days
18 they hunt, et cetera, et cetera, so we have a pretty good
19 handle on how many people are hunting east of the Dangerous
20 or west of the Dangerous and what percent are successful
21 every year. So I do have that information but I'd have to
22 dig it out here in a minute.

23

24 CHAIRMAN THOMAS: Gabe.

25

26 MR. GEORGE: Along the same lines, I'd like
27 to know how many would be effected by the proposal and also
28 how many would be effected by the amendment?

29

30 MR. BARTEN: How many would be effected?

31

32 MR. GEORGE: Yeah. You know, how many people
33 would be cut out of a subsistence opportunity to harvest
34 their moose, you know, under the amendment because we're
35 shortening the season and how many would be effected by the
36 amendment, when we change the areas and the season, which
37 we're entitled to do but usually only under biological
38 concerns and other concerns that are pertinent to bag limits
39 and seasons. Otherwise, I assume we're hurting some -- a
40 subsistence user or some subsistence users.

41

42 And if somebody can prove to me that we're not going
43 to hurt a subsistence user, I'll certainly vote for the
44 proposal as amended. But if you can't prove that, then I'm
45 violently opposed to the proposal as amended until that
46 information can be obtained.

47

48 MR. BARTEN: Yeah, until '96 when this -- up
49 until '96, the Federal season and the State season both

50 opened on October 15th. The Federal season was jumped up a

00088

1 week earlier to -- because of concerns about the local
2 harvest, the harvest by people who are residents of Unit 5.
3 But in the three years since that hunt has been -- since it's
4 been moved up to the 8th, the percent harvest by local
5 residents really hasn't changed at all. The percent harvest
6 by non-local residents it's remained about the same. So in
7 spite of the concern, which is a valid concern, you know, I
8 think people in Yakutat have had a valid concern when they
9 were worried that with the season as it was, opening October
10 15th until 1996, they weren't getting -- they were concerned
11 about losing their share of the moose harvest. So with the
12 advent of the -- in 1996, '97 and '98, when the Federal
13 season opened on the 8th, that -- the percent harvest by
14 local residents hasn't changed. So that -- that concern was
15 valid but it really hasn't shown -- it hasn't come about to
16 make a difference.

17
18 What we've heard here is given the movement of the
19 Federal season to the 8th, it's brought up a number of
20 concerns that weren't concerns prior to 1996, one, is that
21 there's a high concentration of moose taken right along the
22 Ahrnklin River and there may be biological concerns about
23 harvesting that many bulls in a small area. We don't really
24 have that information. Another concern is that it's a danger
25 to the people hunting. I mean given the proposal that was
26 submitted, one of the concerns in the proposal is that with
27 all the number of hunters hunting that small parcel of
28 property from the 8th to the 15th, that there's a danger
29 concern for the hunters themselves.

30
31 A third concern, especially for us as managers of the
32 resources, especially like last year 22 animals were kills on
33 the Ahrnklin River by the 15th of October. Well, my
34 supervisor arrived in Yakutat when the State registration
35 season opened on the 15th and within 12 hours he had to write
36 an emergency order to close it because it's -- prior to 1996,
37 when the Federal and the State opened together it was more of
38 a methodical harvest because it was spread between the Situk
39 and all the way over to the Dangerous River and we could kind
40 of pace the harvest and then draw a line when we thought the
41 harvest reached a quota of 30 animals, and we hit 30 give or
42 take one or two fairly consistently. Since 1996, with this
43 split season, we've overshot the quota of 30 all three years.
44 One year there was six over, one year it was three over, and
45 last year it was one moose over, I believe, or maybe two.

46
47 So the concern in Yakutat three years ago about
48 moving the Federal season up to help them harvest a higher
49 percentage hasn't come about. But these negative factors,

50 the concentrated harvest, the danger to people who are

00089

1 hunting and the difficulty in us managing the moose have come
2 about. So it's -- you know, that's -- I guess the major
3 concern or the major reason for moving the Federal season up
4 hasn't really addressed the -- hasn't really made a
5 difference in the harvest by local residents west of the
6 Dangerous River.

7

8 MS. McCONNELL: Mr. Chairman.

9

10 CHAIRMAN THOMAS: Mim.

11

12 MS. McCONNELL: What do you -- do you think
13 that the amendment would take care of some of those concerns
14 that have come up in the last three years?

15

16 MR. BARTEN: I think the amendment is
17 definitely something worth considering. I, personally, don't
18 know the -- the reason -- if the east side of the Dangerous
19 opened on the 8th, I don't know how many people would drive --
20 would be on the road and use four-wheelers to access that
21 and concentrate a harvest there. If -- I got a feeling it
22 would be much less of a worry than it is as it is now because
23 the Ahrnklin's so much more accessible. I mean it sounds
24 like the four-wheelers are -- access it easily. River boats
25 access it easily. And plus people can park on the road and
26 walk down.

27

28 So I think the amendment is definitely something
29 worth considering and it doesn't -- I mean I think it's a
30 pretty neat idea. Because.....

31

32 CHAIRMAN THOMAS: They still have to walk?

33

34 MR. BARTEN: Well, I personally haven't
35 driven the road and watched people hunt but I assume some
36 people do.

37

38 But anyway, so I think it's a neat idea. I just
39 don't know if the problem would just shift.

40

41 MS. McCONNELL: Uh-huh.

42

43 MR. BARTEN: I can't say that without, you
44 know, more information on the accessibility of that area.

45

46 MS. McCONNELL: So do you see any obvious
47 drawbacks to the amendment? Anything stand out?

48

49 MR. BARTEN: Not at the moment. I think it's

50 a much -- I do see drawbacks with the way it is right now.

00090

1 And I think the bottom line that people have to really think
2 about is, is this -- the way it is now, is it helping the
3 local community and I don't think it is. I think in a lot of
4 ways it's taking away the opportunity for local people to
5 hunt the Situk area. Because by the time they get to the
6 Situk it's just a mad rush to kill the last remaining six or
7 eight animals. And I think people who traditionally have
8 hunted the Situk are sitting there on their hands because it
9 isn't open to them initially.

10
11 And I heard some of those concerns at a meeting in
12 Yakutat in late January as well.

13
14 CHAIRMAN THOMAS: Dolly.

15
16 MS. GARZA: I'd like to get the same response
17 from Fish and Wildlife, from Bob, the same response that Mim
18 had asked. And then if you could make it short, I'm
19 starving, we either need to eat or order something in or
20 whatever. We had one guy sneak out on us and he's already
21 back from lunch and he's probably going to talk for two hours
22 now that he's all content.

23
24 MR. ANDERSON: I must apologize. I was in at
25 an Intertie meeting.

26
27 CHAIRMAN THOMAS: Five minute meeting he went
28 to.

29
30 MR. WILLIS: Mr. Chair, thank you. The Staff
31 would support John's amendment. John and I discussed this a
32 month or so ago at some length over the telephone. And I see
33 now downside to what he's recommending. It has been our hope
34 that through the two local meetings we could get the local
35 people to come to a consensus on one of the two proposals or
36 on John's amendment. Obviously we didn't accomplish that.
37 And our analysis had to be completed and printed and sent to
38 you before we found out what the upshot of all this local
39 effort to get this going.

40
41 So in response to your question, the Staff would
42 support John's amendment.

43
44 CHAIRMAN THOMAS: Further questions. John.

45
46 MR. VALE: Just one last comment and that is,
47 I believe the existing season as it's set up has been
48 detrimental to subsistence users because it's taken away from
49 their opportunity to hunt on the Situk and that's a big part

50 of this. And that's a negative impact of this season. And

00091

1 the amendment would make it a much better situation, it would
2 provide more time in the Situk River which is probably the
3 most preferred area to hunt by local residents.

4
5 CHAIRMAN THOMAS: Alan.

6
7 MR. SORUM: Are you going to have discussion
8 after you vote on the amendment?

9
10 CHAIRMAN THOMAS: Nope. Once we dispose of
11 anything, discussion's over with. Now's the time to talk.

12
13 MR. SORUM: Okay. I wish I had more history
14 on the people in Yakutat, but I'm at a disadvantage, I don't.
15 But from my perspective, they adopted a proposal that
16 benefitted subsistence users in Yakutat at one point. And
17 what I keep hearing is we're responding to a lot of outside
18 forces. I've written down, Sea-Alaska's over selected land,
19 the State of Alaska Board of Game process is out of our
20 control, we know we have problems amending the State
21 Constitution for a rural preference, and my list goes on.

22
23 And I guess, I don't like the idea that we're
24 reacting to a subsistence issue by changing it to fit the
25 mold of factors that are outside of our control. I'd rather
26 see us focus on what our responsibility is and what's best
27 for subsistence users, and I don't mean that as a bad thing.

28
29 And I'm real reluctant to get into, one petition has
30 86 signatures and one petitions has 83 signatures. Because
31 if you look at the subsistence problem in our state, if we
32 went with the majority, then we wouldn't be here today. It's
33 not a majority decision. The idea with subsistence is that
34 we're protecting use of a minority group. I mean face it, if
35 it was a vote up and down, our State Legislature would have
36 done away with this a long time ago. So I'm real reluctant
37 to get into the petitions and I'm real reluctant to get
38 involved with Yakutat's politics because I know what
39 Wrangell's politics are like. And after working for the Port
40 for six years, no matter what you do you're going to have
41 people mad at you, and if you can't deal with that then
42 life's tough.

43
44 And so I'm not going to support the amendment and I'm
45 not going to support the proposal. If they come in with a
46 proposal that addresses subsistence users and helps
47 subsistence users and is based on something that we can look
48 at and measure and not based on somebody's hard feelings or
49 the fact that, you know, one group may have an advantage over

50 another group but they all are qualified users and they all

00092

1 live in Yakutat, I think we're injecting ourselves into a
2 process that we can't win.

3
4 That's what I've got to say.

5
6 CHAIRMAN THOMAS: Thank you, Alan.

7
8 MS. WILSON: I have a real quick question.

9
10 CHAIRMAN THOMAS: Dolly's hungry, now, let's
11 get going.

12
13 MS. WILSON: I'm hungry, too. If we vote to --
14 for the amendment for, and that's to open the area west of
15 Dangerous back to October 15th to November 15th, and this
16 would be under State registration, if we vote to move this --
17 vote for the amendment and then vote against the main motion --
18 I think as we discussed this I got confused for awhile, and
19 then I thought I understood it for awhile.

20
21 MS. GARZA: Where are you now?

22
23 CHAIRMAN THOMAS: Are you in the grey area
24 out here?

25
26 MS. WILSON: It would seem that if we -- if
27 we opened the west of Dangerous River it should be the same
28 as October 8th. So could we change it to October 8th, west
29 of Dangerous River? No.

30
31 MR. VALE: The existing season is October
32 8th.

33
34 MS. WILSON: Uh-huh.

35
36 MR. VALE: And the proposal, you know,
37 attempts to change that back, and the amendment would just
38 apply to the west side.

39
40 MS. WILSON: Uh-huh.

41
42 MR. VALE: I guess if, you know, because the
43 Situk can't open at the same time as the Ahrnklin, because
44 it's not included in the Federal program, if you stuck with
45 the 8th and you continue with the negative impacts that the
46 hunt has had, and so I don't -- you know, the amendment would
47 change it west of the Dangerous to the 15th, if you didn't
48 support the 15th, I guess, you know, there's no reason -- I
49 mean if you don't support the amendment, there's no reason to

50 make any other changes or amendments because it's currently

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1 the 8th, you know.

2

3 So the amendment simply divides a line at the
4 Dangerous, you know, and treats the area west going back to
5 the 15th and the area east remains as is. And that's the
6 amendment.

7

8 MS. WILSON: Okay, you mentioned that fishing
9 -- the fishermen have camps over there on the west.....

10

11 MS. GARZA: East.

12

13 MS. WILSON: East?

14

15 MR. VALE: East side.

16

17 MS. WILSON: Oh, the east side? See there it
18 is, I'm very confused. I thought you wanted to say
19 something.

20

21 CHAIRMAN THOMAS: No.

22

23 MS. WILSON: Well.....

24

25 CHAIRMAN THOMAS: I do but I don't know what
26 to say.

27

28 MS. WILSON: Okay, I'm done.

29

30 CHAIRMAN THOMAS: Patty.

31

32 MS. PHILLIPS: On the west of the Dangerous,
33 October 15th through 21st is local residents. Then from the
34 21st through November 15th, it's by State registration, is
35 that what your proposal is -- your amendment does?

36

37 MR. VALE: Well, starting on the 15th it's by
38 State registration. The Federal lands are closed though to
39 non-local residents so it's not really a season, they've just
40 closed the lands to non-local residents from the 15th to
41 21st.

42

43 MS. PHILLIPS: So it's only State lands that
44 are open?

45

46 MR. VALE: Only those lands which is what's
47 blocked there and to the west or to the left, those lands are
48 open to non-local residents from the 15th to the 21st,
49 basically the Situk Drainage.

00094

1 MS. PHILLIPS: So it'd be open to everyone
2 from the 15th through 21st, is that what you're saying?

3
4 MR. VALE: Only in that area that's blocked
5 out and to the left side, the selected lands. The area --
6 from that blocked out area to the Dangerous River is closed
7 from the 15th to the 21st to non-local hunters, it's only
8 open to local hunters.

9
10 MS. PHILLIPS: Um.

11
12 CHAIRMAN THOMAS: I think we're starting to
13 look like Yakutat here. Further comments, questions. Mary.

14
15 MS. RUDOLPH: I feel like Marilyn. I'm more
16 confused than when we first started. I kind of agree with
17 Herman, that when the first petition or whatever the first
18 ruling came out from Yakutat it was with the 8th. And I
19 think before we can do anything on it, I think we should have
20 more information instead of a lot of speculating.

21
22 I wasn't really using the petition as a guideline for
23 myself, I was just wondering the majority of the people how
24 they were thinking and just kind of balance them both before
25 we put ourself in a position to vote on something that's
26 going to really effect the village of Yakutat.

27
28 CHAIRMAN THOMAS: Mim.

29
30 MS. McCONNELL: I think that brains work
31 better with food in the belly and I think that we need to
32 wait on this until after lunch. It's inconvenient for people
33 calling in from Yakutat, but I think they'll benefit in the
34 long run if we're thinking better. So I would suggest that
35 we break for lunch.

36
37 CHAIRMAN THOMAS: Yeah, but I think this is
38 self-imposed, so we got to consider that. We started this at
39 11:30. How long do you plan on discussing this?

40
41 MS. McCONNELL: Well, I think that there's
42 still confusion for some people and I think that that needs
43 to get straightened out. And I think.....

44
45 CHAIRMAN THOMAS: But what.....

46
47 MS. McCONNELL:food works better.

48
49 CHAIRMAN THOMAS: What do you think would

50 straighten out the confusion?

00095

1 MS. McCONNELL: A clear mind. Food in the
2 belly to feed the brain.

3
4 CHAIRMAN THOMAS: I'm in bed after I eat
5 so.....

6
7 MS. McCONNELL: It's really getting late and
8 we need to eat and we're not ready to vote on this yet, I
9 don't think.

10
11 MS. RUDOLPH: Is Yakutat still on the line?

12
13 MS. McCONNELL: Uh-huh.

14
15 MS. MITCHELL: Yeah, we're still here.

16
17 CHAIRMAN THOMAS: Are you guys eating?

18
19 MS. McCONNELL: They probably called in
20 lunch.

21
22 CHAIRMAN THOMAS: Okay. We'll take a lunch
23 break until 3:00 o'clock.

24
25 MS. MITCHELL: Bill.

26
27 CHAIRMAN THOMAS: Yeah.

28
29 MS. MITCHELL: I just have an observation.
30 From hearing the debate, I think when you come back from
31 lunch it would be helpful if Bob or somebody else explained
32 the difference between a State register hunt and how that
33 effects the rules versus the Federal register hunt, and the
34 difference between a State and a Federal hunt. Because those
35 two things are happening simultaneously and in different
36 areas on the same -- you know.

37
38 CHAIRMAN THOMAS: Well, I'm hoping this is a
39 lesson for all of us. Because the proposal forms ask for all
40 of those details. Those details weren't responded to, and
41 that's what results as a result. So that's just a friendly
42 reminder. Not so friendly, but it's a friendly one. 3:00
43 o'clock.

44
45 (Off record)

46
47 (On record)

48
49 CHAIRMAN THOMAS: Okay. We were still in

50 discussion. And Robert had offered to survive through lunch

00096

1 with just a sweet roll and try and come up with depictions on
2 the map that would, hopefully, easier for us to understand,
3 and some other suggestions that he's going to present.

4
5 Having done that, I'll defer to Robert and his
6 attempt on trying to help us untangle areas and help our
7 discussion along. Robert.

8
9 MR. WILLIS: Thank you, Mr. Chair. I did two
10 things, one I marked off the Federal and the non-Federal
11 lands on the map and drew a line where the Dangerous River is
12 so you could better understand the difference between the
13 east and the west regulations.

14
15 So this is the Dangerous River along this line.
16 Yakutat is located up here. All of the land east of the
17 river is Federal land, and therefore, the open season in here
18 which under the current regulation is October the 8th, and
19 under John's proposed amendment also would remain October the
20 8th. Through the 21st of October all of that land is
21 subsistence hunting only. Then from October 21 to November
22 15, it would be open to anyone under State regulation.

23
24 West of the river, it's divided into Federal and non-
25 Federal lands. The season currently opens on October the 8th
26 on these Federal lands here. This is the Ahrnklin River
27 Drainage. On the non-Federal lands over here it doesn't open
28 until October the 15th.

29
30 So this is the area that people currently cannot hunt
31 until the October 15th opening date. I also wrote up
32 summations on the flip chart sheets there and put them in
33 front of you and hopefully you'll be able to follow what the
34 effect would be on the season and on the subsistence part of
35 that season for each of the alternatives that you have in
36 front of you.

37
38 Supporting the proposal as is. Supporting the
39 proposal with the amendment. Or rejecting the proposal.

40
41 So maybe if you'll study that for a few minutes and
42 see if you have any questions, I'll just stand down for a
43 minute.

44
45 CHAIRMAN THOMAS: Thank you, appreciate that.
46 What I was hoping you were going to do is just hang up one
47 paper and take the credit for it regardless of the
48 consequence or reward.

49

MR. WILLIS: You'll notice I'm standing with

00097

1 my back to the wall.

2

3 MR. VALE: Mr. Chairman.

4

5 CHAIRMAN THOMAS: John.

6

7 MR. VALE: Yeah, just for everybody's
8 information, the map that is up there on the area that's
9 labeled east Federal, okay, that doesn't include all of the
10 Federal lands, it only includes a portion of it. And if
11 you'll look in your book you have a map in your book and it
12 shows all of the unit that's included so if you look at the
13 Dangerous River, you'll see that the area east of the
14 Dangerous that would go unchanged with my amendment is much
15 larger than is depicted on the map up here.

16

17 So I just wanted you to not think that that area was
18 just what was depicted here, it's much larger than that.

19

20 And the effect of my amendment would be, it wouldn't
21 change anything on the non-Federal land, it wouldn't change
22 anything on the east side of the Dangerous, that would remain
23 the same. The only thing that would change is that portion
24 between non-Federal land and the Dangerous River, and it
25 would change that back to coincide to the 15th so that
26 everything would open at the same time.

27

28 So I just wanted to try and clarify that.

29

30 CHAIRMAN THOMAS: I have a question, and I'm
31 hoping we can avoid this in the future. Now, when the people
32 submitted their proposal did they have a proposal format to
33 follow?

34

35 MR. WILLIS: I assume they did, Bill. I don't
36 remember how the original proposal came in, that's handled by
37 Bill Knauer and so he's not here so I can't really answer
38 your question.

39

40 CHAIRMAN THOMAS: Well, you know, there's
41 some pretty important components that's left out of here
42 based on just a recollection of how proposals are submitted.
43 Because it asks some pretty pertinent implicating questions.
44 One, who will benefit and who will suffer, if anybody? I
45 think those are very pertinent and those are determinations
46 that I think are being considered by the members of the
47 Council. And right now we find ourself trying to settle a
48 dispute within a community. And that's not necessarily a
49 function of ours.

00098

1 MS. GARZA: Mr. Chairman.

2
3 CHAIRMAN THOMAS: Dolly.

4
5 MS. GARZA: I guess in terms of trying to
6 sort of figure this out, one of the questions I have is to
7 stand back and, you know, realizing that the season was
8 backed up to October 8th in the beginning to address the
9 subsistence needs of the Yakutat area. And that action was
10 taken in response to Yakutat's request to ANB Grand Camp's
11 request so there was real strong support from the Native
12 community to make that change. And I guess what I -- you
13 know, so I hesitate to change it back, except that I guess
14 from the information I've heard earlier that even though the
15 intent was to ensure that we have the subsistence
16 opportunities, it seems that perhaps that action in some
17 respects backfired because the people who can hunt only close
18 to town in the Situk area are those people who are suffering
19 because by the time that area is open, the majority of the
20 harvest is taken.

21
22 So is that -- am I sort of coming to a logical
23 conclusion as to what happened? We tried to do something
24 but, in effect, by making that change to an earlier date we
25 have had a negative impact on local residents who would like
26 to hunt the Situk, but we have actually decreased their
27 opportunity?

28
29 MR. WILLIS: I think that's an accurate
30 assessment Dolly.

31
32 The intention, initially, was to provide more of the
33 total moose harvest for Yakutat residents. As you saw from
34 the graph we put up earlier, that didn't happen. And
35 instead, we created a situation where there was very little
36 hunting opportunity for the -- on the Situk River. So that's
37 an -- initially -- had we known that we would not have
38 supported that proposal, I guess, initially. But hindsight
39 being 20/20, we didn't anticipate that and the Staff
40 supported the October 8th opening when it was first proposed
41 because it looked like it would benefit the local people. As
42 it turned out, it hasn't provided the benefit that we had
43 hoped for. They aren't taking any more moose than they did
44 before. They aren't getting a higher percentage of the moose
45 than they did before.

46
47 So in essence, we've created a situation where there
48 are some local problems and complaints and as was mentioned
49 earlier, also a management problem with trying to hit that

50 quota. Three years that the new regulation's been in place

00099

1 we've gone over the quota all three years because it couldn't
2 be closed fast enough on the Situk.

3

4 MS. GARZA: The other question that I had was
5 the issue of sort of local/non-local and you know, I'm kind
6 of like Marilyn or Mary, I can't remember who said it, for
7 awhile I understood and then for awhile I didn't understand,
8 so now I'm trying to figure out if I understand it right.

9

10 So in all of those areas, the east and west and non-
11 Federal, the majority of hunters in all of those areas are
12 Yakutat?

13

14 MR. WILLIS: That's correct.

15

16 MS. GARZA: Okay. So we're not setting up
17 setting up boundaries that says, on this side it will be all
18 guide people and on this side it's local people, it's
19 subsistence harvesting, and whether or not someone can easily
20 access the other side of this river -- Dangerous River, or
21 whether or not someone needs the opportunity but would only
22 be able to hunt closer to town or has a preference to hunting
23 in the Situk area.

24

25 MR. WILLIS: The non-local harvest has always
26 been fairly low from two to four maximum, six animals in any
27 year, I think. And the highest percentage of their harvest
28 comes from east of the river.

29

30 But the local hunters can hunt both east and west of
31 the river, and on Federal lands they have a -- currently a
32 two week jump on all the Federal lands. Under the proposal,
33 they would have a one week jump on non-locals on all Federal
34 lands. And under John's amendment, they would have a one
35 week jump west of the river and a two week jump east of the
36 river.

37

38 CHAIRMAN THOMAS: Further questions.
39 Comments. John.

40

41 MR. VALE: Yeah, I'd just like to say that
42 basically this is not a local/non-local issue. It's a local
43 issue. And it's basically all subsistence users on both
44 sides of this issue.

45

46 And you know, subsistence users have the potential of
47 being injured on both sides of this issue, depending on where
48 we go with it. I believe the amendment that I've proposed
49 would be accepted by the vast majority of the folks in

50 Yakutat. Maybe not everyone would be happy but I think most

00100

1 people would. And once again, the problems of over crowding
2 on the Ahrnklin and the lack of opportunity on the Situk are
3 real problems. Real problems for subsistence users. And I
4 really feel it's important that we address those concerns
5 positively through this amendment.

6
7 CHAIRMAN THOMAS: Well, I'm still concerned
8 about the process. I'm not disagreeing with you. The
9 process. But usually a proposal gives us a better depiction
10 than what this one did. This was probably the poorest
11 proposal I've seen since we've been here, and it's probably
12 gotten the most merit. But it just has the misfortune of
13 being poorly presented. And we're dealing with a lot of
14 uncertainty because not everybody here is familiar with the
15 area. We feel a sense of responsibility to those people.
16 And we feel that we designed a process that was workable to
17 where we could give them the benefit of our deliberations,
18 our considerations based on the information they provided us.
19 And not all that information was provided.

20
21 And in your case, with all respect to your quandary,
22 for awhile you weren't sure what side of the chalk line to
23 stand on because of the closeness of the decisiveness. And
24 so that's something -- I'd hate to set a precedence in doing
25 that. But that will determined by the action of the Council.

26
27 Is there further discussion.

28
29 MR. VALE: Call for the question on the
30 amendment.

31
32 CHAIRMAN THOMAS: Question on the amendment
33 has been called for. All those in favor of.....

34
35 MS. WILSON: Could you read it please?

36
37 CHAIRMAN THOMAS: It's right there.

38
39 MS. WILSON: I don't think that's the same
40 amendment that I understood.

41
42 CHAIRMAN THOMAS: Can you read the amendment?

43
44 MS. WILSON: The one in the middle or.....

45
46 MS. GARZA: So the area east of the Dangerous
47 River would be.....

48
49 COURT REPORTER: That's right, what Robert

50 has up here.

00101

1 CHAIRMAN THOMAS: Um?

2

3 COURT REPORTER: That's right. That's what I
4 have in my notes.

5

6 CHAIRMAN THOMAS: Uh-huh. (Affirmative)

7

8 MS. GARZA:would continue to be open
9 October 8th to November 15th and it would be subsistence
10 harvest only October 8th to the 21st which is what it already
11 is.

12

13 The area west of Dangerous River, the date would be
14 moved back one week so it would open October 15th and remain
15 open until November 15th, and as already stands, it would
16 have subsistence only from October 15th to the 21st.

17

18 So that is the amendment that was proposed.

19

20 MR. ANDERSON: Mr. Chairman, I wonder how
21 that would react to the public from Yakutat, that's on the
22 system?

23

24 CHAIRMAN THOMAS: Well, we'll have to find
25 that out right now. The question's been called for. The
26 motion was read and now we're going to vote.

27

28 MS. GARZA: I'd ask for a roll call vote.

29

30 CHAIRMAN THOMAS: Roll call vote. We got a
31 secretary, Secretary Phillips, are you prepared to take a
32 roll call vote?

33

34 MS. PHILLIPS: Yes.

35

36 CHAIRMAN THOMAS: We're voting on the
37 amendment.

38

39 MS. PHILLIPS: Gabe George.

40

41 MR. GEORGE: No.

42

43 MS. PHILLIPS: John Vale.

44

45 MR. VALE: Yes.

46

47 MS. PHILLIPS: Herman Kitka.

48

49 MR. KITKA: No.

00102

1 MS. PHILLIPS: Alan Sorum.

2
3 MR. SORUM: No.

4
5 MS. PHILLIPS: Mary Rudolph.

6
7 MS. GARZA: She's not here.

8
9 MS. PHILLIPS: Oh, she's not here, sorry.

10 Mim McConnell.

11
12 MS. McCONNELL: I think I'll wait until the
13 end.

14
15 MS. PHILLIPS: Lonnie Anderson.

16
17 MR. ANDERSON: No.

18
19 MS. PHILLIPS: Marilyn Wilson.

20
21 MS. WILSON: No.

22
23 MS. PHILLIPS: Dolly Garza.

24
25 MS. GARZA: Yes.

26
27 MS. PHILLIPS: Patricia Phillips, no.

28 William Thomas.

29
30 CHAIRMAN THOMAS: No.

31
32 MS. PHILLIPS: Mim McConnell.

33
34 MS. McCONNELL: Yes.

35
36 CHAIRMAN THOMAS: Another ruling I'm going to
37 make, when your name is called on a roll call, you vote at
38 that time.

39
40 MS. PHILLIPS: Three yea's, seven nea's.

41 Motion fails.

42
43 CHAIRMAN THOMAS: Amendment fails.

44
45 MS. PHILLIPS: Amendment fails.

46
47 CHAIRMAN THOMAS: Okay. Now, is there
48 further discussion on the main motion?

49

MR. GEORGE: Question.

00103

1 CHAIRMAN THOMAS: Question's been called.
2 Roll call vote again?

3
4 MS. PHILLIPS: Dolly had her hand up.

5
6 CHAIRMAN THOMAS: Oh, Dolly, I'm sorry.

7
8 MS. GARZA: So in regard to the main motion
9 then, the main proposal, in case we're confused, is that it
10 would push back the opening date from October 18th (sic) to
11 October 15th so we would, in effect, lose one week of
12 subsistence hunting. Therefore, Mr. Chairman, I intend to
13 vote against Proposal 2.

14
15 CHAIRMAN THOMAS: Further discussion on
16 Proposal No. 2? Who's got their hand up?

17
18 COURT REPORTER: John.

19
20 CHAIRMAN THOMAS: John.

21
22 MR. VALE: Call for the question.

23
24 CHAIRMAN THOMAS: Question's been called for,
25 roll call vote please.

26
27 MS. PHILLIPS: Marilyn Wilson.

28
29 MS. WILSON: No.

30
31 MS. PHILLIPS: Lonnie Anderson.

32
33 MR. ANDERSON: No.

34
35 MS. PHILLIPS: Mim McConnell.

36
37 MS. McCONNELL: No.

38
39 MS. PHILLIPS: Mary Rudolph, Mary's not here.
40 Alan Sorum.

41
42 MR. SORUM: No.

43
44 MS. PHILLIPS: Herman Kitka.

45
46 MR. KITKA: No.

47
48 MS. PHILLIPS: John Vale.

49

MR. VALE: Yes.

00104

1 MS. PHILLIPS: Gabe George.

2
3 MR. GEORGE: No.

4
5 MS. PHILLIPS: William Thomas.

6
7 CHAIRMAN THOMAS: No.

8
9 MS. PHILLIPS: Patricia Phillips, yes. Dolly
10 Garza.

11
12 MS. GARZA: No.

13
14 MS. PHILLIPS: Eight nay's, two yea's.

15 Motion fails.

16
17 CHAIRMAN THOMAS: Okay, that continued action
18 on the proposals we had before us.

19
20 MS. GARZA: Mr. Chairman.

21
22 CHAIRMAN THOMAS: Dolly.

23
24 MS. GARZA: In response to the votes we've
25 just taken, I wonder if we could have Staff draft a letter
26 for us that we could send to Sea-Alaska and tell them to
27 hurry up and get their over selection done so that the issues
28 caused by their late action can be resolved. Because that
29 seems to be the basis for this whole issue, is that, there's
30 sort of land in between that isn't Federal management,
31 although it's my understanding it could easily fall under
32 management -- Federal management once Sea-Alaska takes
33 action.

34
35 And they may not know that they're causing this
36 conflict, and so maybe if we send a letter over to Mr. Losher
37 we could hopefully find action on their part.

38
39 CHAIRMAN THOMAS: Got that Staff?

40
41 MR. CLARK: Mr. Chairman.

42
43 CHAIRMAN THOMAS: Fred.

44
45 MR. CLARK: Mr. Chairman, if I may, I'd
46 suggest that if you do write such a letter that you also
47 write such a letter to BLM, who holds the land in the
48 meantime. They're the ones who have to do all the processes
49 that would result in the conveyance so they need to know

50 what's going on as well.

00105

1 CHAIRMAN THOMAS: Okay, we'll send such a
2 correspondence to all effected agencies.

3
4 Okay, that takes us into No. 8, Federal Subsistence
5 Program Updates, report of Subsistence Board action since the
6 last meeting. Who's that assigned to?

7
8 MR. JOHNSON: We thought that the Chairman
9 might have some things that could be passed on to the Council
10 and then if there's any of the Staff that are here that want
11 to provide anything. We didn't have someone definitely in
12 mind at the time when we put that on the agenda.

13
14 CHAIRMAN THOMAS: Had I been able to
15 anticipate I would have but consequently I don't. Greg.

16
17 MR. BOS: Yeah, Mr. Chairman, Greg Bos with
18 Subsistence Management Office in Anchorage. I guess I could
19 just relate that the Federal Board has not taken any actions
20 since your last meeting that directly effect Southeastern
21 Alaska.

22
23 There have been a number of special actions that the
24 Board has ruled on that effects other areas of the state.
25 And if you're interested in knowing what those are, I can
26 relate those to you.

27
28 CHAIRMAN THOMAS: I didn't catch what you
29 said there?

30
31 MR. BOS: If you're interested in hearing
32 what those special actions are, I can.....

33
34 CHAIRMAN THOMAS: In other areas?

35
36 MR. BOS: Yes, in Northwest Alaska and on the
37 Alaska Peninsula primarily.

38
39 CHAIRMAN THOMAS: With regards to what?

40
41 MR. BOS: On the Alaska Peninsula there was a
42 request to close Federal lands to non-subsistence users for
43 hunting caribou and moose in Unit 9(E)?

44
45 CHAIRMAN THOMAS: Who submitted those
46 proposals?

47
48 MR. BOS: Those proposals came -- the request
49 for special action came from several of the communities, the

50 villages on the Alaska Peninsula. In that action, the

00106

1 Federal Board declined to close Federal lands in view of
2 emergency regulations adopted by the State Board to close
3 non-resident hunting and restrict the bag limit for State
4 hunters. The Federal Board modified the Federal bag limit on
5 caribou for conservation purposes.

6
7 Another action involved dall sheep hunting in Unit 23
8 near Kotzebue. In that case there was a request made to
9 authorize designated hunter permits in a Federal permit hunt.
10 In that area the Federal lands are closed to non-local
11 hunters.

12
13 CHAIRMAN THOMAS: Can we back up to the first
14 one?

15
16 MR. BOS: Yes.

17
18 CHAIRMAN THOMAS: I'm curious as to what the
19 Board's reaction and resolve was to a request to close
20 Federal lands?

21
22 MR. BOS: I think the Board considered
23 information provided by local residents, by Federal Staff and
24 by the State and concluded most of the harvest by local
25 residents for subsistence actually occurs on State lands
26 close to the communities, and relatively little used by local
27 subsistence users occurs on the Federal lands. In contrast,
28 a fair amount of non-local use occurs on Federal lands. The
29 result of closing Federal lands then would have been to
30 displace non-local users into the State lands in direct
31 competition with local subsistence users with a negative
32 effect on local subsistence use. And the decision to change
33 the harvest limit from any sex caribou to bulls only was to
34 address concerns of the decline in the caribou population.

35
36 CHAIRMAN THOMAS: Did the Board take action
37 on that?

38
39 MR. BOS: That was the action of the Board.
40 There is a proposal to be coming before the Board at its next
41 spring meeting to address requests for changes to both moose
42 and caribou in that area and to close Federal lands to non-
43 local users.

44
45 The Board of Game just finished its meeting in
46 Anchorage, and for that area, adopted a Tier II hunt, which
47 is going to greatly restrict non-local participation on the
48 Alaska Peninsula caribou hunting. And that action closes
49 closed lands to non-resident hunting for caribou.

00107

1 CHAIRMAN THOMAS: Is that proposal supported
2 by any biological information, do you know?

3
4 MR. BOS: The Federal proposal?

5
6 CHAIRMAN THOMAS: Yeah, the restriction.

7
8 MR. BOS: Yes. There's a considerable amount
9 of information on the decline of that caribou population.
10 It's recently been estimated at 9,200 caribou down from
11 populations of 12 to 15,000 just a few years ago.

12
13 CHAIRMAN THOMAS: Uh-huh.

14
15 MR. BOS: And there's problems with
16 recruitment of young animals of the population. So there's a
17 real concern for preserving the cow segment of the population
18 in order for the population to recover soon.

19
20 The Board has had some meetings with the State, I was
21 going to cover those in the Fisheries overview, and with your
22 permission I'll defer anything further on that.

23
24 CHAIRMAN THOMAS: Okay.

25
26 MR. BOS: They also received a report from
27 the C&T Task Force, and I believe Rachel Mason is going to
28 summarize that for you. It's the same report that you're
29 going to receive that was given to the Federal Board.

30
31 MS. GARZA: Mr. Chairman.

32
33 CHAIRMAN THOMAS: Dolly.

34
35 MS. GARZA: I didn't hear what the action was
36 for the Kotzebue area. Is that being considered this spring
37 or was action already taken on the dall sheep?

38
39 MR. BOS: Yes, to both questions. I think
40 last year under a special action a hunt was established for
41 Federal subsistence users in the DeLong and Baird Mountains
42 in Unit 23. In that action, the Board closed Federal lands
43 to non-eligible hunters and established a permit system for
44 locals.

45
46 The more recent special action request was to allow
47 people to hunt as designated hunters for other individuals
48 who are unable to participate in the hunt. The Board
49 approved that action and so those folks from Kotzebue and

50 Noatak and Kivalina and those other villages there are able

00108

1 to participate, through a proxy designated hunter, if they
2 are unable to hunt themselves.

3
4 Since it was a special action, there's a proposal to
5 come before the Board in May to make that a permanent
6 regulation.

7
8 CHAIRMAN THOMAS: Could you move the mic just
9 a little bit closer, I'm just on the fringe of not being.....

10
11 MR. BOS: I'm sorry.

12
13 CHAIRMAN THOMAS: But I apologize, go ahead,
14 I didn't mean to interrupt.

15
16 MR. BOS: I think that's, basically all that
17 the Federal Board has done since October. Again, I'll touch
18 on a couple of things in relation to initiating discussions
19 with the State on Cooperative Fishing Management.

20
21 MS. GARZA: Mr. Chairman.

22
23 CHAIRMAN THOMAS: Dolly.

24
25 MS. GARZA: In regard to Federal Subsistence
26 Board actions, it seemed like last year but it could have
27 been the year before that Kenai was such a big issue, what's
28 happening down there now?

29
30 MR. BOS: That issue was a big issue in
31 Southcentral Alaska, and that was a couple of years ago.
32 It's been relatively quiet, you know, I think subsistence
33 users down there -- I think have been satisfied with the
34 actions that the Federal Board has taken, with one exception.
35 There was a lawsuit filed by the Ninilchik Traditional
36 Council challenging the Federal Board's adoption of a
37 regulation that imposes antler restrictions on subsistence
38 users. And they felt that before the Board could impose
39 those regulations, a spike-fork 50-inch requirement, that the
40 Board needed to exclude other non-subsistence hunters first.

41
42 The district court ruled in that case that the
43 Federal Board acted properly for conservation purposes. The
44 Ninilchik Traditional Council appealed that ruling. That
45 case is still to be heard by the Appeals Court. What they're
46 doing now is attempting to mediate a solution. It's a new
47 approach being taken in some of these types of litigation to
48 try to find solutions without having to burden the courts
49 with numerous appeals. So at the present time, I believe,

50 the attorney's for the Federal program and the Ninilchik

00109

1 Traditional Council are negotiating to see if they can
2 resolve the issue in an out of court settlement.

3

4 MS. GARZA: Thank you, Mr. Chair.

5

6 CHAIRMAN THOMAS: Okay. Are you prepared,
7 Greg, to move right into Fisheries? I'm just following the
8 line up on the agenda.

9

10 MR. BOS: That's fine, Mr. Chair. First, I'd
11 like to say I appreciate the opportunity to be at this
12 meeting.

13

14 COURT REPORTER: Wait, let me try to move
15 this microphone a bit, excuse me.

16

17 MR. BOS: Thanks. And participate with you
18 folks and get to meet you. This the first time for me at
19 this Regional Council meeting, although I have followed your
20 -- the minutes, the progress of your meetings in previous
21 years and have always been impressed with the quality of the
22 discussions, you know, the thoroughness with which you
23 evaluate proposals. The recent proposal you just dealt with
24 is a perfect example of that. And also the comprehensive way
25 you deal with issues in Southeast that have potential effects
26 on subsistence, and not just hunting seasons and bag limits,
27 but anything from logging, road management, tourism. I think
28 you folks are doing, really, a good job meeting your
29 responsibilities.

30

31 CHAIRMAN THOMAS: Thank you.

32

33 MR. BOS: I think, also, I'd like to thank
34 you on behalf of all of the Staff for arranging the nice
35 weather for this meeting.

36

37 MS. McCONNELL: Make the most of it, a
38 storm's coming.

39

40 MR. BOS: I'm going to give you an update on
41 the Federal Subsistence Fisheries Regulations and the
42 beginnings of planning for Federal implementation of a
43 subsistence fisheries program.

44

45 I think when you last met, the 1998 moratorium was
46 expiring. Preparations for a final rule were nearing
47 completion. You're all well aware Congress enacted a new
48 moratorium that suspends Federal implementation until October
49 1 of this year. There was some significant agreements

50 reached in developing that moratorium. For one thing there

00110

1 would be no delay in the publication of a final rule.
2 Secondly, Stevens' amendments to Title VIII expired in
3 December and there are no changes to Title VIII that are
4 pending at this time. And the Secretary has publicly
5 announced that he would not support changes to Title VIII and
6 he would recommend to the President a veto if there any
7 further attempts were made to extend the suspension.

8
9 In addition, the moratorium provides authorization of
10 funding to the Federal agencies to implement a program. And
11 the reason for the October 1 suspension was two-fold, first
12 to provide the State an opportunity, one more change, if you
13 will, to come into compliance with Title VIII provisions
14 granting a subsistence priority to local or to Alaska rural
15 residents. And secondly, if the State fails to act it gives
16 the Federal agencies enough time to prepare an effective
17 management program.

18
19 If the State does act to place a constitutional
20 amendment on the ballot for the next general election, the
21 State will receive the funds that are directed to the Federal
22 agencies.

23
24 The final rule was published on January 8th. It's
25 based on the existing State subsistence fisheries
26 regulations, it follows those very closely. In order to
27 reduce disruption to existing fisheries, at least in the
28 first year of the program. It extends the Federal
29 jurisdiction to Federal waters which are designed to include
30 all navigable waters within the boundaries, adjacent to the
31 boundaries of conservation system units based on the Reserve
32 Water Rights Doctrine. The definition of those -- I should
33 say inland navigable waters. The definition of those inland
34 waters has now been made consistent between the Department of
35 Agriculture, U.S. Forest Service, their lands and Department
36 of Interior Conservation System Units. Selected, but not yet
37 conveyed lands within the boundaries of the conservation
38 system units, the recreation and conservation areas and the
39 Forest Service -- Forest lands, additions in ANILCA, will
40 also come under Federal jurisdiction.

41
42 The Secretary's have reconfirmed that they have the
43 authority to extend jurisdiction off of Federal lands to
44 protect subsistence uses on Federal lands. But we expect the
45 exercise of that authority will be rare. I think the intent
46 is to work out solutions with the State and avoid having to
47 extend jurisdictions.

48
49 The regulations for provide for a delegation of

50 authority from the Federal Board to field managers for in-

00111

1 season management actions such as openings and closings of
2 fishing periods. Redefining harvest areas and methods of
3 harvest within the frameworks established by the Federal
4 Board.

5
6 A customary trade language was simplified and
7 designed to recognize regional differences. In other words,
8 the Federal Board has taken a permissive approach and will be
9 relying on the Councils to define whether and to what extent
10 it may be appropriate to limit customary trade use.

11
12 Customary and traditional use determinations for fish
13 and wildlife populations -- excuse me, for fish and shellfish
14 that were in the proposed rule as reflected in 1990, the
15 determinations in place in 1990 were revised to include
16 additional determinations made by the Board of Fisheries
17 since 1990.

18
19 And finally revisions were made to the proposed rule
20 to improve the consistency with the State -- current State
21 subsistence regulations and to omit regulations where no
22 Federal waters existed.

23
24 CHAIRMAN THOMAS: Could you repeat that
25 again, with reference to adopting the State regs, that
26 portion of your comments? Could you just repeat that?

27
28 MR. BOS: Yes. The proposed rule contained a
29 number of proposed Federal regulations that had been based on
30 earlier State fisheries -- subsistence fisheries regulations
31 which had changed over time. And so revisions were made to
32 bring the Federal proposed rulemaking up to date with the
33 current State subsistence fisheries regulations.

34
35 In addition, there were a number of regulations that
36 effected waters where the Federal government has no
37 jurisdiction because there's no Federal waters there and
38 those were omitted in the final rule. Basically housekeeping
39 revisions.

40
41 CHAIRMAN THOMAS: Assuming now that the
42 Council's role will be expanded to this area of fisheries if,
43 in fact, the State doesn't resolve it by the first of -- in
44 those regulations, existing, that come before us, do you know
45 whether or not we'll have the biological rationale that
46 supports the language and the intent of each regulation?
47 Would it be an assumption on your part -- would we see it --
48 assume that -- I guess I should ask, rather than to commit
49 you to anything?

00112

1 MR. BOS: No, I think it's a very good
2 question. We will, in all cases attempt to get whatever
3 information is available to make wise decisions effecting our
4 fisheries resources. At the present time, much of that
5 information resides with the State in its reports and its
6 data bases.

7
8 CHAIRMAN THOMAS: Sure.

9
10 MR. BOS: And one of the things that we're
11 looking at in trying to develop some understandings with the
12 State is a way to effectively access that information and use
13 it in our decisionmaking process so that our biologists in
14 consultation with State fisheries managers can present you
15 with the information that you can make good recommendations
16 to the Federal Board relating to changes in regulations.

17
18 CHAIRMAN THOMAS: Okay.

19
20 MR. BOS: I mentioned there has been some
21 coordination efforts with the State already.

22
23 In September of 1998, the Federal Subsistence Board
24 met with the Commissioner, Deputy Commissioner and the Chairs
25 of the Board of Fish and the Board of Game to discuss
26 management -- concerns about dual-management. Coming out of
27 that meeting there was a recognition that both the Federal
28 and State sides on the issue needed to better articulate the
29 concerns that they have with dual-management, and a
30 subsequent meeting has been planned and is presently being
31 scheduled probably for early April.

32
33 CHAIRMAN THOMAS: Okay, I have one more
34 question with regards to that equation. You make reference
35 to dual-management. Now, the Federal has been making strides
36 to achieve co-management with tribes, is that any part of the
37 consideration of the equation at this point with regard to
38 fish?

39
40 MR. BOS: Yes, it is. I was going to touch
41 on that a little later.

42
43 CHAIRMAN THOMAS: Okay.

44
45 MR. BOS: But I can.....

46
47 CHAIRMAN THOMAS: Excuse me.

48
49 MR. BOS:certainly answer that.

00113

1 CHAIRMAN THOMAS: Excuse me for jumping
2 ahead.

3
4 MR. BOS: Now, there will be a strong
5 emphasis on developing cooperative management efforts with
6 tribes and Native organizations.

7
8 The State has invited the Federal Staff to attend
9 Board of Fisheries meetings and also State Fisheries
10 Management staff meetings to observe their decisionmaking
11 process and the kind of information they use and to avail our
12 Federal Staff with reports and information they have
13 available for regulatory considerations.

14
15 CHAIRMAN THOMAS: They've invited who, you?

16
17 MR. BOS: Any Federal Staff, from the Federal
18 Board on down to biologists that work on proposals.

19
20 CHAIRMAN THOMAS: Okay.

21
22 MR. BOS: There's some pending litigation
23 that effects -- or may effect the fisheries program. I think
24 you're aware of the Alaska Legislative Council lawsuit
25 challenging the constitutionality of Title VIII. That case
26 was dismissed in July of 1998 by the district court, it's
27 under appeal and we would expect a decision from the Appeals
28 Court this summer.

29
30 Another case involves Safari Club International
31 challenging customary and traditional use determinations made
32 by the Federal Board. They claim that adequate procedures
33 for making those determinations were not in place. That
34 those procedures in regulation were not followed by the
35 Federal Board. It also challenges some of the determinations
36 made by the Federal Board, that they feel were not based on
37 substantial evidence.

38
39 MR. VALE: Who by?

40
41 MR. BOS: Excuse me?

42
43 MR. VALE: Who initiated that suit?

44
45 MR. BOS: Safari Club International.

46
47 Our next steps are to develop an organization
48 structure to implement subsistence fisheries management.
49 We're going to be recruiting and hiring additional Staff to

50 work with the regional teams and with the Regional Councils

00114

1 on fisheries issues as well as to establish in the field
2 management capability in the conservation system units.

3

4 We're going to continue to work with the State and
5 the Board of Fisheries, Department of Fish and Game in
6 developing a cooperative management strategy that addresses,
7 especially fishery management planning and in-season
8 management actions.

9

10 We feel this is essential in view of the fact that
11 many subsistence fishery stocks move across or through waters
12 under different jurisdictions and there will have to be close
13 coordination and communication, sharing of information to
14 ensure that those stocks don't get over harvested and the
15 subsistence needs are met.

16

17 MS. PHILLIPS: Sir. Chairman Thomas.

18

19 CHAIRMAN THOMAS: Patty.

20

21 MS. PHILLIPS: You mentioned about -- that
22 statement you just said about in-season management and
23 biologists having to get up to snuff. I'm concerned about
24 that. Because the State generally has biologists who have
25 tenure or who have been on-line for awhile, and so I'm
26 wondering what sort of staffing and where will they come from
27 and will they know our issues, you know, that's what you're
28 still trying to figure out?

29

30 CHAIRMAN THOMAS: Hold that thought. Salena,
31 could you outfit him with a little better mic, I don't think
32 Herman's hearing anything.

33

34 MR. BOS: Let me talk a little bit louder.

35

36 CHAIRMAN THOMAS: If I can't hardly hear, I
37 know Herman can't hear.

38

39 COURT REPORTER: Let me just pin it to your
40 shirt.

41

42 MR. BOS: Thanks.

43

44 COURT REPORTER: Uh-huh. (Affirmative)

45

46 MR. BOS: Is that any better?

47

48 CHAIRMAN THOMAS: No. She'll turn you up
49 there. Turn him on Salena.

00115

1 MR. BOS: Can you hear me now Herman?

2
3 MR. ANDERSON: It's better.

4
5 MR. KITKA: Yeah.

6
7 MR. BOS: Good. Unfortunately, I'm almost
8 through.

9
10 MS. GARZA: No, you're not. You're just
11 starting.

12
13 MR. BOS: Touche, touche. I think that's a
14 very good question that you raise Patty. And I think that's
15 one of our main concerns that we're dealing with now. We
16 have begun the initial steps in developing an action plan for
17 fisheries implementation and in-season management. The
18 reliance on the State's expertise and existing program is a
19 critical part of our considerations.

20
21 There are a number of issues that we are still --
22 feel we need to develop further or evaluate. I mentioned the
23 customary trade options. Again, the Federal Board is going
24 to be relying to a great extent on the Regional Councils to
25 provide recommendations on how customary trade should be
26 allowed within their respective regions. And we recognize
27 that there will be regional differences and we'll value the
28 knowledge the residents of the advisory councils.

29
30 We need to develop a regulatory schedule and a
31 process to solicit, review and take action on proposals to
32 change the Federal fisheries regulations. Included in that
33 is the consideration of how it's going to fit in with the
34 wildlife regulatory process.

35
36 We need to review further the advisory council
37 structure, particularly in areas with large water sheds to
38 ensure that we have coordinated management through the water
39 shed. We're thinking of the Yukon River, Kuskokwim River
40 where those drainages and the fish in those rivers move
41 through several subsistence resource regions and have several
42 Regional Advisory Councils that deal with those management
43 issues.

44
45 And finally, to get back to the point that you
46 raised, Mr. Chairman, there's a strong emphasis being placed
47 on identifying and implementing opportunities for involvement
48 for tribal and Native organizations in the fisheries
49 management program. We have a number of cooperative

50 agreements or have had in the past in the wildlife program

00116

1 with a number of Native organizations and we're seeking to
2 expand that involvement by Natives in the Federal program,
3 and especially so in the fisheries program.

4
5 CHAIRMAN THOMAS: One thing that I'd like to
6 point out, to the best of my knowledge, at this point, at
7 least in the Tongass, the Forest Service has an aggressive --
8 a pretty aggressive effort on promoting and strengthening
9 their management schemes to include the tribes that reflect
10 the co-management, the directives. And I'm wondering if
11 that's happening in other agencies with the same level of
12 aggressiveness?

13
14 MR. BOS: I think so, Mr. Chairman.

15
16 CHAIRMAN THOMAS: Okay.

17
18 MR. BOS: I can speak most directly to the
19 Fish and Wildlife Service's efforts.

20
21 CHAIRMAN THOMAS: Okay.

22
23 MR. BOS: On many fronts, Alaska Natives are
24 being recruited into the organization, through local hire
25 provisions. We've looked at compacting under the Self-
26 Determination Act provisions for Native tribes. Because of
27 some difficulties in separating what is termed, inherently
28 Federal functions, not compactable and others, we think the
29 opportunities for meaningful involvement in the management
30 program are better served through the cooperative management
31 agreements that -- similar to the ones we've had in place in
32 the wildlife program.

33
34 CHAIRMAN THOMAS: I better opt for a
35 disclaimer for my questions. I'm not implying that my
36 function on this Council is Native oriented or Native issues
37 oriented. I am a Regional Advisory Council member and I do
38 represent the region with regards to people in rural status.
39 It just so happens that the Federal government is in a co-
40 management agreement with the tribes and I was just including
41 those in my question. I'm not implying that I'm here
42 representing only the tribal interests. So I thought I'd
43 clarify that.

44
45 I have to say that in public, whether I am or not.

46
47 MR. BOS: That's all I had unless there's
48 more questions?

49

MS. PHILLIPS: Mr. Chairman.

00117

1 CHAIRMAN THOMAS: Where's she at? Oh,
2 Patty's here. Patty.

3
4 MS. PHILLIPS: It says here that, you know,
5 one million will be authorized to Federal agencies June 1,
6 and then 10 million September 30 and the State can only get
7 some of this money if they act. But we've found has been
8 helpful to us is like these partnership research projects,
9 like the ADF&G Subsistence Division has done on deer -- deer
10 numbers, populations and harvest. And so I'm wondering if
11 those sort of programs will be happening, you know, under the
12 Federal management, if there'll be the funding to ADF&G to
13 give us good numbers to make decisions on?

14
15 MR. BOS: Yes. I guess the short answer is
16 absolutely. In fact, the Federal program has been providing
17 funds to the Department since the inception of the Federal
18 program in 1990. Since 1990, I think, over \$2 million has
19 been provided in cooperative agreements with the Department
20 of Fish and Game to conduct subsistence use surveys and to
21 provide for the coordination of the two programs. In the
22 current year, we have a funding agreement with the Department
23 of Fish and Game, in excess of \$300,000, and included in that
24 are two projects that involve community baseline subsistence
25 use surveys. One in the Lower Kenai Peninsula involving
26 Ninilchik, and communities in the Homer rural area. Another
27 similar study in the village of Akiachuk in Western Alaska.

28
29 So we do feel there's great value in that. We
30 recently completed a cooperative project that was conducted
31 by the Department in collaboration with the Bristol Bay
32 Native Association on the Alaska Peninsula, surveys of
33 subsistence harvest of large mammals. A very successful
34 project in our view. We obtained a lot of very useful
35 information on the subsistence harvest in an area where
36 traditional reporting methods had not provided good
37 information on local subsistence needs and uses.

38
39 And we look forward to building on those models and
40 increasing the involvement of local subsistence users in
41 these programs to improve our information base.

42
43 CHAIRMAN THOMAS: Dolly.

44
45 MS. GARZA: Thank you, Mr. Chairman. In
46 looking at the January 8th, 1999 regulations. It's good to
47 see that there are listed the intent to have subsistence
48 permits required, understanding that people don't like
49 permits in general. My personal opinion has always been I'm

50 tired of having to get a recreational permit to go out and be

00118

1 counted as one of the thousands and thousands recreational
2 fishermen. And so I would hope that we get that paperwork
3 going as quickly as possible because even in the events that
4 God willing, the State should resolve the issue, I would like
5 to see the State have that same type of permitting
6 application so that if I have to go in and fill out
7 paperwork, I can be counted for what I am and that's a
8 traditional user, not a recreation user.

9
10 MS. McCONNELL: Here, here.

11
12 MS. GARZA: In regards to, you know, we've
13 had discussions about this over the years and some of us are
14 on this Council just sort of as patiently as possible waiting
15 to get into fisheries because that's where our people get
16 their food from is fish and shellfish. Probably much more in
17 Southeast than some of the other regions in the state.

18
19 I know that we stated it at the Kake meeting when we
20 talked about fisheries quite a bit, but I feel compelled to
21 state it again that, the State regulations just simply aren't
22 adequate. And I understand the need to start with something
23 that looks similar because people are all freaked out that
24 the world is going to fall -- that the sky is going to fall,
25 but I think that there can be numerous changes made that will
26 not negatively impact commercial and recreational fisheries,
27 but still provide additional benefit to subsistence users,
28 just times of openings.

29
30 You know, for Sitka, like the sockeye fishery is kind
31 of crazy. You can only get 10 fish at a time. And for a
32 subsistence user that's just contrary to what you do, you try
33 and be efficient. And here we're limited to run out quite a
34 distance, get 10 fish, come back, go out the next day do the
35 same thing, come back, and so you end up making four trips
36 just to try and get enough fish for the winter, and you don't
37 know what the water's going to be like for those days.

38
39 Those types of things, I think, could be addressed,
40 would really have no impact on commercial and would have no
41 impact on recreation. It's clearly a subsistence fishery.
42 But I don't think the State will ever address it.

43
44 And so I don't know if there is going to be time to
45 actually sit down and go through these again and say, are
46 there small things that we can change that would improve
47 subsistence? I know when we addressed this in Kake that we
48 had several of the Kake people come forward to us and tell us
49 that they have to go all the way over to, close to PA, and

50 they're only getting like 10 or whatever few fish a day and

00119

1 they're running across, which channel is that?

2

3 CHAIRMAN THOMAS: Chatham.

4

5 MS. McCONNELL: Chatham Strait.

6

7 MS. GARZA: Chatham.

8

9 CHAIRMAN THOMAS: For goodness sake.

10

11 MS. GARZA: That's very unsafe. You know,
12 and so I would hope that as we go forward that we can find
13 some way to address some of these smaller issues which don't
14 have allocation conflicts but still will give subsistence
15 users a strong step ahead.

16

17 CHAIRMAN THOMAS: I think, you know, I've had
18 similar concerns, I still have them. But I think the longer
19 this process has gone on, see we started off as an ad hoc
20 council. We didn't anticipate being here more than maybe two
21 years. And we didn't know we were going to make a career out
22 of it, you know, and we thought there'd be resolve.

23

24 And during a period of our growing to try to find
25 something to embrace about this whole scheme with the
26 differences in governmental philosophies, I think we now have
27 the benefit of hindsight between the agencies and the
28 Councils and we went over some of these small problems, like
29 Dolly's alluded to, and they are small. They are small in
30 nature.

31

32 And I think the areas where we were reluctant to
33 address them and to offer a resolve, I think we've gone
34 beyond that. I think as they're proposed before us in the
35 future, that we'll be able to dispose of them to a
36 satisfaction to where it doesn't pose a threat to the safety
37 of people that are trying to fish and still be able to manage
38 the resource in a responsible manner. So I think there's a
39 lot of growth that has occurred here. I think we've finally
40 recognized that and I think a sense of cohesiveness is
41 becoming stronger as time goes on.

42

43 So I know from a personal standpoint, some of the
44 views I had have been put to rest a while back, and I'm
45 pleased about that. And I'm sure as you get information with
46 regards to that, you'll have more qualifying language to
47 support some of the information that you gather from now
48 until whenever. So I just wanted to share that with you.

49

MR. BOS: Those are all very good points that

00120

1 you list, Mr. Chairman, and Ms. Garza have made. We've heard
2 similar comments from most of the regions, most of the
3 original Advisory Councils.

4
5 The final rule, again, basically reflects for the
6 most part the current State subsistence fishing regulations.
7 We deferred making revisions to the regulations in many cases
8 where some specific changes were requested or were identified
9 by Regional Councils, in part, because we didn't have the
10 Staff to properly evaluate them or the process in which to
11 consider them. I think in this coming year when we get the
12 Federal program ramped up, I think it's unlikely that the
13 State's going to take any action to bring them into
14 compliance and that we will be in the Federal management
15 program come October 1st. We will get a regulatory process
16 established for fisheries and this Council and the other
17 Councils will be involved in reviewing the regulations and
18 proposing changes as mentioned here for action by the Federal
19 Board. That would most likely take place in the calendar
20 year 2001. In other words, these would be -- the submission
21 of proposals and consideration proposals for Federal Board
22 action would occur in the year 2000, next year, with
23 implementation of those changes in the year 2001.

24
25 CHAIRMAN THOMAS: Okay, the Chair will
26 recognize Ralph Guthrie. Ralph, would you come to the
27 table?

28
29 MR. GUTHRIE: Thank you, Mr. Chairman. I'd
30 like to thank you guys for coming to Sitka, the Board members
31 and all the back up crew, that they're here to give testimony
32 one way or the other. And I'd like to address you in
33 the.....

34
35 MS. GARZA: Ralph, could you say your name
36 for Salena?

37
38 MR. GUTHRIE: Oh, my name is Ralph Guthrie,
39 I'm (In Native) my name is (In Native). And anyway -- how
40 much more do you need?

41
42 COURT REPORTER: That's good, stop there.

43
44 MR. GUTHRIE: Okay. I'd like to say the
45 vision of this Board is a long-term subsistence use so that
46 we can continue to enjoy what we have traditionally used for,
47 you know, so our kids can enjoy it and their kids. So we'll
48 look at some of the things that are real anomaly to this here
49 practice and one of them is you're talking about fish here,

50 so I'll talk about halibut.

00121

1 Halibut is one of the long-term foods of the Alaska
2 coastal people from, you know, not only Alaska coastal people
3 but people clear to California and clear to Nome. So you
4 know, it's very important. But the halibut and the Feds say
5 that halibut is not a subsistence food, which is a -- you
6 know, an anomaly, it's a hypocrisy in my mind. And so what
7 we're looking at, we can't use halibut and it's very -- very
8 important to our people for dry fish, for boiled fish, you
9 know, for our winter use, for our bodies, you know. So we
10 can go out and get two fish. Well, that's -- you know --
11 yet, we can look at the trawl fisheries throwing 17 million
12 pounds of baby halibut overboard. And if you figure out a
13 two pound or a three pound average halibut, you'll be looking
14 at throwing away the future of the fisheries. And it's true
15 that in different areas that when you throw away small fish,
16 you don't get big fish.

17
18 So you know, you're part of this here long-term
19 subsistence use and we -- you know, when you say we're going
20 to look after the future of our fisheries, we want you to
21 look after it. We don't want a Federal agency allowing our
22 fish to be thrown overboard dead. We want that fish -- when
23 it can be avoided, we want that fish available for a long-
24 term use. That's subsistence.

25
26 That subsistence not only for the commercial
27 fishermen, but subsistence for those of us sitting on the
28 edge of the shore for the usage.

29
30 Now, we're looking at -- we're past the halibut,
31 we're looking at dog salmon and king salmon thrown away by
32 this billion dollar fisheries called the trawl fisheries is
33 fish that go to the Yukon River. We want you to look after
34 that. We don't want them catching those fish and throwing
35 them overboard when they have an escapement problem up there
36 on the Yukon River or any of other streams. We don't fish
37 that were fully utilized to be thrown away anymore. We want
38 those fish to go up there and spawn or go up to someplace
39 where they can be used by the people that really need them.

40
41 So you know, what I'm talking about is Federal
42 agencies saying one thing and another Federal agency saying
43 another thing. And actually we're looking at three different
44 entities that are working against the utilization of
45 fisheries by our people. So then we get down to the last
46 part here, and it's in the Forestry Service. Not too long
47 ago, this Board here asked the Forestry Service to look at a
48 study to see just what was in a logged off an area and what
49 was in an old growth area and catalog that, and I don't think

50 we've seen that. And if we don't see that, we can't ensure

00122

1 that we're going to have long-term use of our forests.

2

3 You know, so these are very important issues. You
4 know, they're just not issues to sit around and talk about
5 and think well, next year or down the line we'll talk about
6 it again. You know, this is something -- these are points
7 that are -- we've got to work towards so we can come up and
8 say, hey, we can't have a Columbia River style situation,
9 we've got to have Alaska style management program that
10 remembers that these things are important to all the people
11 that are living in our state.

12

13 Thank you.

14

15 MR. BOS: I think.....

16

17 MS. GARZA: Thank you, Ralph.

18

19 MR. BOS:if I can respond.

20

21 MS. GARZA: Yes.

22

23 MR. BOS: I appreciate you bringing those
24 concerns out, they are valid. And we've heard, and I think
25 are shared by many, many people.

26

27 MS. GARZA: Just a minute. Hey, Bill, go
28 back there, I'm just getting -- this is just going to my head
29 being Chairman.

30

31 CHAIRMAN THOMAS: I can see you're drunk with
32 power.

33

34 MS. GARZA: Ralph talked to long, I didn't
35 get to boss anyone. Okay, go ahead.

36

37 MR. BOS: At any rate, I think it's a widely,
38 widely held concern. And not only amongst subsistence users
39 but especially important to subsistence users that halibut be
40 considered now. The final rule does include halibut as a
41 subsistence species in those areas where marine waters will
42 be under Federal jurisdiction. Those are fairly limited in
43 the state at this time. I know that marine water issues is a
44 big one here in Southeast. I think you all received the
45 letter from the Regional Forester explaining that the Federal
46 program is not making a determination on the inclusion of the
47 marine waters because the issue is in litigation.

48

49 I'm glad you brought some of these things up because

50 I neglected to mention in my overview that in addition to

00123

1 working with the Department of Fish and Game in addressing
2 fishery management issues, we will also be interacting with
3 the North Pacific Halibut Commission, as well as the National
4 Marines Fisheries Service. With regards to halibut, of
5 course, the Halibut Commission plays an important role in
6 establishing the regulations for halibut and looking at some
7 of the by-catch and discard problems with halibut. The
8 National Marine Fisheries Service, which is the implementing
9 agency and the enforcement agency in this is involved in that
10 as well as applying the provisions in the Magnuson Act,
11 which would effect by-catch of salmon destined for the Yukon-
12 Kuskokwim Drainages.

13
14 There is a lot of complexity to fisheries management
15 issues and I know that you're fully aware of that and we're
16 going to have to deal with those in developing the Federal
17 program so that we can effectively resolve some of these
18 important issues. And you know, I can't really say much more
19 than that with regard to halibut. I know it's a very
20 important issue down here in Southeast where so much of your
21 subsistence fisheries is tied to marine waters.

22
23 CHAIRMAN THOMAS: As we move into that area,
24 Ralph, the most we'll be able to do from this end is to
25 develop the proposals with some muscle in them to the
26 appropriate agencies that manage those parts of the
27 fisheries. And we can represent those proposals in that
28 process. Hopefully to help and encourage them to come up
29 with the result we desire, to answer your question.

30
31 MR. GUTHRIE: Okay, thanks Bill. And I
32 appreciate the opportunity to speak. You guys, I'll talk to
33 you a little later on some.....

34
35 CHAIRMAN THOMAS: Anytime.

36
37 MR. GUTHRIE: Okay.

38
39 CHAIRMAN THOMAS: Yeah, thank you. Any
40 members of the public -- public?

41
42 MS. McCONNELL: Mr. Chair.

43
44 CHAIRMAN THOMAS: Mim.

45
46 MS. McCONNELL: I just had a quick question
47 that you made me think of there, Bill. When would we be
48 drafting proposals for changing regulations? What --
49 according to your date line, when exactly would those be

50 called for?

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1 MR. BOS: We haven't established a date line.
2 I mentioned that we're going to be looking at developing a
3 schedule and proposal process for deliberating on proposals.

4
5 One thing that's been talked about but no, you know,
6 it's only tentative is to have the Regional Councils make
7 proposals at their spring meeting, for example, this meeting,
8 those proposals would be reviewed and analyzed by Staff over
9 the summer and then at your fall meeting, the Council would
10 make its recommendation to the Federal Board, there would be
11 a Federal Board meeting in mid-winter, possibly December and
12 those regulations would become effective the following
13 fishing season.

14
15 MS. McCONNELL: So it would be on a
16 different, flip-flop cycle from what we're doing for game?

17
18 MR. BOS: That's one possibility, right.

19
20 MS. McCONNELL: So when, if -- if -- assuming
21 that you guys -- that the final rule takes effect in the fall
22 in October, this October, would we be -- the following spring
23 would we be drafting proposals, and I see a bunch of heads
24 nodding.

25
26 MR. BOS: Yes.

27
28 MS. GARZA: Rachel says yes.

29
30 MS. McCONNELL: Okay. That will be one
31 monster meeting.

32
33 CHAIRMAN THOMAS: On that note, Dolly's going
34 to Chair if it's going to be that big of a job, Dolly you can
35 take over. Dolly's acting Chair now.

36
37 MS. GARZA: Marilyn.

38
39 MS. WILSON: Yeah, I wanted to ask a
40 question. Oh, I keep going towards the microphone and it's
41 on me. Maybe you could explain to us the suit that's against
42 -- the State of Alaska, I think, put it against ANILCA, Title
43 VIII, the amendments? I read it once but I don't remember
44 what it was all about again. And what would happen if the
45 Ninth Circuit Court ruled in favor of changing ANILCA or
46 Title VIII?

47
48 MR. BOS: Wow, I'm not sure I'm the best one
49 to give you a good answer for that. I can explain that the

50 lawsuit challenged Title VIII on the grounds that Congress

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1 exceeded its authority under the Commerce clause and the
2 property clause of the Constitution, and that the rural
3 preference violates the Fifth Amendment.
4

5 Now, I guess nobody knows for sure how that lawsuit
6 will be resolved through the appeals process. I mentioned
7 that district court dismissed that case primarily on
8 procedural issues and they didn't see merit to the arguments.
9 If the Appeals Court should reverse the decision, then you
10 know, it's hard to say whether all aspects of Title VIII
11 would be judged invalid or only certain parts of it would be
12 severable. That is, only certain sections might need to be
13 modified to be constitutional. And the effects on that on
14 the program, you know, are just impossible to predict at this
15 time.
16

17 MS. WILSON: The reason I'm asking is that
18 that's what's protecting our subsistence and it's so
19 important and it's so gray what they're doing. Most of us
20 don't believe that we should even touch Title VIII or change
21 it because it opens it up to -- bad things can happen.
22

23 Thank you.
24

25 MS. GARZA: Okay. John, and then Alan.
26

27 MR. VALE: Yeah, as you're probably aware,
28 this Council feels rather strongly that the marine waters in
29 Southeast here should be included in the Federal fisheries
30 program here. About a year ago here we asked the Forest
31 Service for a legal analysis as to how they came to the
32 conclusion that those marine waters should not be included.
33 We were told that they would try to get us that analysis and
34 as of our last meeting it never came.
35

36 And now I see from reading this letter, there's a
37 little bit different tact here, it says, the question of
38 Federal subsistence fisheries management jurisdiction in
39 marine waters inside the Tongass proclamation boundary is the
40 subject of pending litigation and therefore, may not be
41 included. That's a different -- that's something different
42 than what we've heard before. It's a matter of litigation,
43 we can't include it now. And I guess I'd like to hear some
44 more as to why that is?
45

46 It seems to me that if it's a matter of litigation
47 and documents have been filed with the court, that that's a
48 matter of public record and that there should be a legal
49 analysis behind that, and that should have been provided to

50 us. You know, at our last meeting we again went to the

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1 Federal Board and asked for that information to be provided
2 so that we could have an adequate opportunity to be involved
3 in the process of drafting these Federal fishing regulations.
4 And absence of us being that given that information, I feel
5 like our opportunity of being involved is being thwarted
6 here. And that the Staff has done a disservice to this
7 Council by not providing that information.

8
9 So I'd like to hear a little bit from you about this
10 fact being in litigation and why we haven't been given that
11 legal analysis for consideration.

12
13 MR. BOS: You know, what I'm going to be a
14 good bureaucrat and pass the buck here, and ask Ken Thompson
15 with the U.S. Forest Service to address that. I think he can
16 give you a better answer than I can.

17
18 MR. THOMPSON: Thank you, Mr. Chairman and
19 John.

20
21 CHAIRMAN THOMAS: Madame Chairman.

22
23 MS. GARZA: Go to the microphone please for
24 Salena.

25
26 MR. THOMPSON: Madame, oh, we haven't
27 switched back, yet, sorry.

28
29 MS. GARZA: You don't say anything until
30 Salena says you can say something.

31
32 MS. McCONNELL: He passed the buck, too.

33
34 MR. THOMPSON: Good, I wasn't on the record
35 then.

36
37 MS. GARZA: Are they okay?

38
39 COURT REPORTER: Yes, thank you.

40
41 MR. THOMPSON: Madame Chairman and John.
42 Yes, we did give you a commitment that we'd provide a "legal
43 analysis" for your review as soon as possible. That, as you
44 know, that particular question is tied up in the Peratrovitch
45 case which is part of the Katie John lawsuit that was brought
46 under the umbrella of the Katie John litigation.

47
48 I believe, and I'm not sure anybody here would know
49 for sure but I think that the legal briefs for that

50 particular lawsuit were just drafted, possibly submitted

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1 within just the last month or two. I don't know if anybody
2 in here knows for sure. But if they are available, they have
3 only very recently been available and that would probably
4 come the closest to what you're asking for in terms of a
5 legal analysis. Barring that, of course, the real question
6 and the real outcome of the Peratrovitch litigation which is
7 expected to be dealt with, I believe, later on this summer
8 would provide you -- provide us with the answer to that
9 question. If the plaintiffs prevail, obviously the Federal
10 government would have to assert jurisdiction within the
11 proclamation boundaries of the National Forest, and if the
12 reverse is true then we won't. It sort of hinges on the
13 outcome of that.

14

15 Is that satisfactory?

16

17 MR. VALE: Well, it's an answer. It doesn't
18 explain to me why we haven't received an answer from the
19 Federal Board. You know, we made a request for information
20 and it seems to me, I don't feel like this item here is
21 adequate. You know, I think we should have had a more
22 elaborate response from the Federal Board as to our request.

23

24 And another part of that request was the Council took
25 the position that they ought to not publish the proposed rule
26 until we've had an opportunity to be more fully involved in
27 that decisionmaking process and we haven't had a response to
28 that as well. Now, I know that's apparently not what has
29 happened, but you know, but I just feel like, you know, we
30 need a better response.

31

32 MR. THOMPSON: Well, again, Madam Chair,
33 John. The answer is in the legal analysis for the briefs for
34 this litigation. I'm not sure those are even available but
35 that is specifically what you're asking for. I mean that's
36 the kind of information that's a part of that legal analysis
37 that would give you the basis for developing a position as a
38 Council.

39

40 If they are available -- I will check, and if they
41 are available for your review, I will certainly make sure you
42 have access to them. The Department of Justice, of course,
43 is involved in developing those briefs.

44

45 MR. VALE: Okay, I guess, I'll live with
46 that.

47

48 MR. THOMPSON: We just don't have anymore.

49

MS. GARZA: Okay, Alan, we did reserve the

00128

1 end of the day for public testimony and we have one more
2 request, could I have that done before your comments or are
3 you going to be quick?

4
5 MR. SORUM: I can be real quick, but he went
6 away.

7
8 MS. GARZA: Ken.

9
10 MR. SORUM: Yeah, I'll just be real quick. I
11 think John was a mind reader because I read this letter and I
12 was disappointed also. And I guess what I'm wondering is
13 where the leadership role in this is? If the answer is we're
14 not going to deal with the issue because it's under
15 litigation but if you took leadership in protecting the
16 subsistence resources, then the litigation probably would be
17 secondary to that. So I guess I'm hoping that this letter
18 doesn't end the dialogue. I guess that's the only thing, I
19 hope we can keep a dialogue going and that this isn't the end
20 of the story, you know, because I'd encourage the Forest
21 Service to think about that and give us a little bit more. I
22 mean because obviously they're talking about it somewhere, I
23 mean somebody's obviously decided that they're going to deal
24 with this issue within their department in some certain
25 manner, but we don't have access to that information. And I
26 guess the only other funny thing that strikes me, is that,
27 there was such a big issue with DOI and DOA coming to common
28 ground on what inland waters were but it doesn't seem like
29 you guys have come to common ground with the Coast Guard,
30 which I think most of us are more inclined to use what they
31 define as inland waters.

32
33 I hope at some point you guys get with the Coast
34 Guard and define inland waters with those guys, too, because
35 most of where I live is inland waters, and my Master's
36 license with the Coast Guard's limited to inland waters but I
37 can travel throughout the entire Southeast with passengers.
38 So I think that, you know, there's some problems there, too.
39 But I just hope that they keep talking to us about it.

40
41 That's all I really had.

42
43 MS. GARZA: Okay, thank you, Alan. And we
44 could bring this up as part of our annual report. But we
45 also have Ida, is interested in responding to this. Are you
46 public, Ida?

47
48 MS. HILDEBRAND: I'm trying to be public.

49

MS. GARZA: Okay.

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1 MS. HILDEBRAND: Ida Hildebrand, BIA Staff
2 Committee member. Dolly partially gave the response I was
3 going to make in reference to your comment.

4
5 It's the prerogative of this Council to request that
6 the Federal Board give them information. It's also the
7 prerogative of this Council to request that the Office of
8 Subsistence Management specifically address the issues this
9 Council raises. And it is also the prerogative of this
10 Council to put those types of requests as concerns or major
11 concerns in their annual report. Any of the above, all of
12 the above. And the more places you put it, the more clearly
13 your concern is stated.

14
15 MS. GARZA: Thank you, Ida. We do have a
16 request for comment. Mr. Thomas.

17
18 CHAIRMAN THOMAS: Thank you, Madame Chairman.
19 I just want to support those comments. I've sent different
20 requests for different interpretations from the Board and
21 some were responded to and some weren't. And I was hoping
22 that they would, at least, come back and say that they're at
23 least exploring a response to my question but they haven't
24 done that. It seems like if they don't have an answer right
25 when they receive the question that the question dies. And
26 so Ida's right, we need to pick up on that. And that
27 shouldn't be the case because they're at the top of the flow
28 chart and the State, and we should be following -- we should
29 be following a responsible and disciplined example. So I
30 hope that changes.

31
32 Thank you, Madame Chairman.

33
34 MS. GARZA: Thank you, Bill. So we do have a
35 request for public comment from Mr. Robert Willard, Jr. Mr.
36 Willard.

37
38 CHAIRMAN THOMAS: He's family I thought.

39
40 MS. GARZA: Okay, family comment. All right,
41 you can't say anything until Salena says you can.

42
43 MR. WILLARD: Thank you very much. I
44 appreciate the opportunity to come before the Southeast
45 Regional Council. My name is Robert Willard, Jr., I'm from
46 Angoon. I reside in Juneau. I'm here at this table
47 representing the Juneau Tlingit-Haida Community Council.

48
49 Over the past several years since Title VIII of the

50 Alaska National Interest Lands Conservation Act became

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1 effective, Juneau has been declared as ineligible because it
2 is not a rural community. And I had written a letter to the
3 Federal Subsistence Board this year on behalf of the Juneau
4 Tlingit-Haida Community Council. And we received
5 communication from Mr. Demientieff to the effect that Juneau
6 is not eligible and that the determination had been made
7 quite some time ago. And I recall the first letter we had
8 sent in several years ago.

9
10 Our contention was and is is that the term, rural,
11 applies when a resource declines in population and Congress
12 saw the necessity to implement a rural preference for the
13 harvest by subsistence users. It did not necessarily mean
14 eligibility for subsistence opportunity. Our community does
15 support the rural subsistence preference, we do support it.
16 And we believe that the only fair way, absent a Native
17 preference for management purposes to ensure the culture's
18 remain alive as intended by Congress.

19
20 Now, the Juneau and Ketchikan in the Southeast are
21 the communities that have been declared as ineligible. Our
22 predicament here in Juneau and probably the same in Ketchikan
23 and the other urban communities is that the cultures as we
24 knew it before 1980 are on the verge of being totally
25 destroyed when you talk about what culture means to the
26 Tlingit-Haida people in the Southeast. Now, in the Juneau
27 community, we represent about 12,000 total Alaska Native
28 tribal members. We have 3,700 Tlingit-Haida and then we have
29 about 300 that are tribal members from the northern tribes
30 that reside in Juneau, and likely the same ratio in
31 Ketchikan. And the problem that we're having right now is
32 that, as Herman and Bill and everybody else knows, that the
33 cultural existence of the Tlingit-Haida people is not a
34 written language. It's -- you'll never find our methodology
35 in books, it's passed on from generation-to-generation.
36 We're taught where to hunt, fish, how to prepare it and how
37 it's served, when and we're taught the cultural implication
38 that subsistence uses has.

39
40 The problem in Juneau is that we have children that
41 were born in 1975, in that area, that are not only left out
42 of the Alaska Native Claims Settlement Act, but because of
43 the implementation of Title VIII, are totally left out of
44 their cultural existence. They have no identity. They're
45 not -- they don't belong to an ANCSA Corporation. They're
46 not -- so when a child in Juneau asks me what's culture, I
47 know it's serious. It's more serious than we like to believe
48 in Juneau. For sure our children are performing dances and
49 activities and we have nothing but praise and tears in our

50 hearts for their efforts to cultural identity. But that is

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1 only the surface of what it is I'm talking about.

2

3 I'm talking about a cultural existence that Congress
4 intended when it enacted Title VIII of ANILCA. Congress did
5 intend the protect the cultures that are dependent upon the
6 customary and traditional uses of the wild renewable
7 resources. And so letter that we were going to present to
8 you, we're going to ask your support -- we're going to appeal
9 directly to the Federal Subsistence Board, again. I don't
10 know, perhaps the gentleman here can tell me if our last
11 letter, I believe, it went out in February or March was acted
12 formerly upon by the Board or was this letter written on the
13 basis of action taken in prior years? Our guess is the
14 latter. Is that there was no formal action taken by the
15 Board on our 1999 letter.

16

17 Now, we do have a very serious problem in our next
18 generation. What are they going to teach their children?
19 That's the problem. Kids that were born in 1975, in that
20 period of time, what are they going to teach their children
21 they're having today about our cultural existence, our
22 subsistence lifestyle, our subsistence culture? How are they
23 going to teach them? That is why I'm appealing to the
24 Southeast Council, if nothing else, not to oppose our
25 petition as it goes before the Federal Subsistence Board.
26 And I don't know the exact procedure of going even beyond
27 that to the appropriate Federal officials -- to get
28 subsistence opportunity is all we're asking, albeit, without
29 the preference when there is those declines, only the
30 opportunity when the resource is plentiful. We can
31 understand the rural preference kicking into effect and then
32 us being discontinued, but at least when there's resource out
33 there, we'd be able to hunt and fish like we had before the
34 Federal Subsistence Board came forth with it's regulation.

35

36 So that's why I asked to appear before the Regional
37 Council, if nothing else, to advise you of our intent to go
38 forward with our effort to attain subsistence opportunity in
39 general.

40

41 If time permits, perhaps Mr. Harold Martin might come
42 forward and let you know what actions Tlingit-Haida and
43 perhaps, Southeast Native Subsistence Commission has taken in
44 support of our endeavors.

45

46 MS. GARZA: Okay. First, thank you very much
47 for coming forward. And I think what you have said and what
48 Harold will say is quite similar to what you came before us
49 before when we met in Juneau, and it's unfortunate that

50 nothing has happened since then and that we're still at it.

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1 But personally, you know, I very much appreciate what you
2 have said and I understand it completely. In my opinion,
3 culture can only exist when there's still food to gather.
4 What I have noticed, you know, you learn from your
5 grandmother, your grandchildren learn from their grandparents
6 and they learn by learning how to hang fish and learning how
7 to tend the fire and learning how to clean the clams. And in
8 that whole process of gathering food is how we learn our
9 language, that's how we learn our proper protocol. That's
10 how we learn how we should act as good Haida or good Singet
11 people. And I am quite concerned as to what will happen as
12 our children grow up and don't know these things and don't
13 learn all of this proper culture because they don't have the
14 food to gather.

15
16 So my heart is with you because I think that we are
17 coming to a point of crises. I have not seen your letter
18 from the beginning of this year but I'm sure that the Council
19 here would be willing to support your efforts again. But I
20 think we do have time for Harold, if you would like to come
21 forward now Harold.

22
23 And if you could state your name for the record for
24 Salena.

25
26 MR. MARTIN: Thank you, Madame Chairperson,
27 members of the Council. My pleasure to be before you once
28 again. My name is Harold Martin. I'm the subsistence
29 director for Central Council Tlingit-Haida Indian Tribes of
30 Alaska, and I'm also the president of the Southeast Native
31 Subsistence Commission.

32
33 As most of you know the Central Council is a
34 Federally recognized tribal government. It has slightly over
35 -- a membership of slightly over 23,000 enrolled members.
36 Southeast Native Subsistence Commission is sanctioned by the
37 four largest Native organizations in Southeast; the Centra
38 Council Tlingit-Haida Indian Tribes of Alaska, of Sea-Alaska
39 Corporation, the ANS Grand Camp and the ANB Grand Camp.
40 Currently the Commission is made up of 17 commissioners, each
41 elected in their respective communities and four appointed
42 commissioners by the sanctioning organizations.

43
44 And you were right, Madame Chair, that what I have to
45 say is very similar to what Mr. Willard just told you. What
46 we're going to do is as Southeast Native Subsistence
47 Commission and the Central Council of Tlingit-Haida Indian
48 Tribes of Alaska, is to back up the Juneau Community Council
49 on their push to have subsistence recognized in the city of

50 Juneau. Things are pretty hard in the city, as you know, I

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1 can't even build a smokehouse in my backyard to carry on our
2 subsistence way of life.

3

4 But this is just to put you on notice, sir, that we
5 will make another push at our proposal.

6

7 Madame Chair, if I could, can I just -- is this a
8 good time to run you through what the Southeast Native
9 Subsistence Commission has been involved in?

10

11 MS. GARZA: Yes, please.

12

13 MR. MARTIN: Thank you, Madame Chair. The
14 subsistence way of life goes on regardless of the big impasse
15 between the State and the Federal governments. The Southeast
16 Native Subsistence Commission has been involved in many
17 different issues.

18

19 The Harbor Seal Commission, which I also chair, we're
20 in the final stages of creating a co-management agreement.
21 We're also involved in a bio-sampling program and we've done
22 this through the cooperation of the State Fish and Game
23 Department of Wildlife Conservation, the National Marine
24 Fisheries and the Southeast Native Subsistence Commission.
25 We have a community outreach program where we reach out to
26 school children in the Prince William Sound area. This is
27 funded by EVOS, the Exxon Valdez Oil Spill funds and so we
28 can't really move it into Southeast, but we do have people
29 working in the school systems in the Prince William Sound
30 area. As a result a lot of those students are moving into
31 the biological sciences and environmental sciences.

32

33 I'm also the chairman of the Halibut Working Group.
34 The Halibut Working Group was organized through the efforts
35 of the Rural Cap, Rural Alaska Resource Association. It's
36 made up of people from coastal communities. Many of you here
37 will recall that I came to you for support two years ago to
38 help us have halibut recognized as a subsistence resource.
39 Like Ralph stated, it's kind of ludicrous that we're denied
40 halibut as subsistence resource. The Tlingits invented the
41 halibut, the current circle is fashioned through the Tlingit
42 halibut -- and there's no shortage of documentation as to the
43 use of halibut by Native people going way back into time.
44 Two years ago we postponed the actions taken on halibut
45 before the North Pacific Fisheries Management Council pending
46 what came out of the legislature on subsistence. Well, we
47 all know what happened to the subsistence issue. And last
48 year we again postponed any actions on the halibut issue
49 pending what came out of the Governor's Task Force proposal.

50 And we all know what happened to that, too. Very recently I

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1 wrote a letter to the North Pacific Fisheries Management
2 Council asking them to bring this issue off the table, and I
3 was told that currently the North Pacific Fisheries
4 Management Council is very busy with working on the stellar
5 sea lion issue, and so we're going to be revisiting the issue
6 in December of this year.

7
8 We got some strong opposition from the State. Where
9 normally the State and the State legislature and the
10 Territorial Sportsman, the legislature came out with a
11 resolution opposing the recognition of subsistence -- for
12 halibut as a subsistence resource. What they did, they tried
13 to lump this issue in with ANILCA and the State constitution.
14 It is not hard to see that -- a Mr. Summerville wrote this
15 resolution, because it was full of misinformation. The North
16 Pacific Fisheries Management Council saw through this so they
17 just disregarded the resolution.

18
19 Halibut has nothing to do with the State or ANILCA,
20 it's an International and Federal issue.

21
22 More recently we worked on the Migratory Treaty
23 Amendments. Again, this migratory bird working group was
24 organized -- about 12 years ago we started to work on the
25 migratory bird issue. And some of you know that the
26 migratory bird issue came about because of an incident in
27 Point Barrow. I believe several duck hunters were cited for
28 taking ducks out of season, and the next day, I guess about
29 100 people came and threw their ducks on the floor and said,
30 now arrest us all. So during all this time the Federal
31 agencies have turned their head and looked away and not too
32 long ago they finally realized that without legalizing the
33 spring hunts of migratory birds, they couldn't compile any
34 accurate data and statistics as to migratory birds.

35
36 Now, although Southeast does not participate in the
37 spring hunts of migratory birds, we did reserve the right to
38 legalize the harvest of sea gull eggs and duck eggs. This is
39 written into the proposal. Not too long ago we had a meeting
40 in Southeast. I went to a meeting up north and found out
41 that they had had meetings throughout the state all last
42 summer, and I asked why didn't you have any in Southeast, and
43 they said that we were not involved in the spring hunts, I
44 said, no, we're very much involved in this issue. So we did
45 have a meeting in Southeast, in Juneau. I was very
46 disappointed in the turnout. We did notify all the tribal
47 governments throughout Southeast and the only person I got
48 was Herman Kitka from Sitka and Bob Willard was there and
49 that was it. The rest of the people were from Juneau.

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1 But we're in the final -- you'll probably hear more
2 about this migratory bird issue though. We're, I guess, in
3 the process of developing management regulations.

4
5 The Indigenous People's Council For Marine Mammals.
6 This is an organization that was organized, again, several
7 years ago when the marine mammal issues became, I guess, you
8 might say that several marine mammal species were on the
9 verge of becoming declared endangered species. So we had a
10 summit in Anchorage and people from all over the state
11 congregated at the Sheraton Hotel. And at that time the
12 intention was to organize a Marine Mammal Commission, and
13 Dewey Skan and I were the only people there from Southeast.
14 And Dewey recommended that instead of organizing the Marine
15 Mammal Commission, that we utilize all the existing Marine
16 Mammal Commissions, therefore, you know, utilizing the
17 expertise built up over a number of years. So they needed
18 those peoples counsel, a coalition of all existing Marine
19 Mammal Commissions. We were successful in amending the
20 Marine Mammal Protection Act several years ago to include
21 Section 119, which allows Native communities to -- Native
22 organizations to develop co-management concepts with the
23 Federal agencies. We have done this. We have completed co-
24 management agreements with the U.S. Fish and Wildlife Service
25 and the National Marine Fisheries. These are umbrella
26 agreements. These are meant to be guides for communities to
27 us as guidelines, therefore, making them eligible for grants.
28 I believe there was two and a half million dollars
29 appropriated -- not appropriated, I think it was a million
30 and a half to the U.S. Fish and Wildlife Service and a
31 million to National Marine Fisheries for purposes of
32 developing co-management concepts.

33
34 Currently, we're in the process of coming up with
35 goals for -- and getting ready for the reauthorization for
36 the Marine Mammal Protection Act, which comes up every five
37 years and I believe it's going to take place this year or
38 early next year.

39
40 We're also involved in Tlingit place names. We've --
41 we're successful in winning grants from the National Park
42 Service, Historical Preservation Funds and doing Tlingit
43 place names throughout the communities. We've finished Phase
44 I and II. We've just recently begun Phase III. If -- you
45 know, people ask why are we involved in Tlingit place names.
46 Now, if you'll think about it, the land is the very basis of
47 subsistence, and Tlingits from time and memorial have always
48 had place names. You'll recall in the Goldschmidt and Haas,
49 an elder in 1924, he was an elder at the time, he stated that

50 we have always had Tlingit place names, from the time I was a

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1 little boy. This is how I know this is our land. And I had
2 the same experience. I grew up on my father's seine boat.
3 And from the time I was a little kid I remember him, when he
4 was telling my mother where we were going, he didn't say
5 we're going to Saginaw Bay, he told my mother (In Native),
6 always in Tlingit. We had names for everything. We had
7 names for bays, we had names for mountains, we had names for
8 creeks. We had names for places that had significant
9 happenings. We had names for everything. And so we felt
10 that we had to preserve these things because most of our
11 elders were leaving us and every time we lost an elder, a lot
12 of knowledge goes with them.

13
14 Also we're in the early stages of planning
15 Traditional and Ecological Conference, that's going to take
16 place in probably Ketchikan in November. We're working in
17 cooperation with the Forest Service, Fred is heading this
18 thing up and I'm not sure where we're at right now, I missed
19 the last meeting.

20
21 There is one issue that bothers me in Southeastern
22 Alaska, and that's sea otter. The sea otter, as you know, is
23 normally an outer coast animal, and that's where we want to
24 keep them but it's becoming impossible to do. These cuddly
25 little animals are nice to look at, the tourists love to see
26 them. But these animals weigh anywhere from 60 to 120
27 pounds, and these animals must consume at least 25 percent of
28 their weight every day to sustain themselves. And these
29 animals are not seasonal, they mate all year-round. The
30 problem we're having with sea otters in Southeast is that
31 they eat the same things we consider subsistence foods. They
32 eat crab, they eat clams, they eat sea urchins, they eat the
33 octopus, everything we consider subsistence. And there's
34 getting to be more and more of them on the inside waters.
35 And I know in the Kake area, there's been sightings off
36 Kikahe Point, Lonnie can speak to this, in Hydaburg, I
37 believe that people are having to go further and further from
38 town to get their abalone. I know around the Roland Bay area
39 when I was hand trolling, I used to get my gumboots and there
40 was abalone in that area. Well, there's nothing there now.
41 It's been all cleaned out.

42
43 I recall one year we had a meeting in Nanwalek, it
44 used to be English Bay. And during our meeting we had a big
45 minus tide, so the Chairman called a one hour recess so we
46 could go down to the beach to look for some gumboots. Well,
47 there's a lot of sea otter up there and you know, the sea
48 otter, they've cleaned up all these sea urchins, and the sea
49 urchins control the growth of kelp. It was surprising to me

50 because I couldn't get down to the rocks, the kelps were

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1 about maybe a foot, foot and a half deep, you just couldn't
2 dig underneath there. So this is the kind of destruction sea
3 otters cause.

4
5 Now, I'm not sure what the answer is. I'm not sure
6 how we can keep them out of the inside waters. The last time
7 I talked to U.S. Fish and Wildlife Service person, they
8 stated that it's not up to them to control the populations of
9 sea otters. But they're the ones that introduced it back
10 into our waters. Only Natives are allowed to take sea
11 otters, but there's not really that much interest in the
12 harvest of sea otters. Not that many people are involved in
13 arts and crafts and it cost a lot of money to have them
14 tanned. So I'm not sure what the answer is, we'll have to
15 get together with the Sea Otter Commission and look at this
16 more carefully, but you will be hearing from us on this.

17
18 On the Federal takeover, I attended the special
19 hearing a couple of nights ago and listened to Tom Boyd speak
20 along with Jim Caplan. Some of the things that were asked,
21 that they said that this is not a subsistence or rural issue,
22 this is a State rights issue. This was coming from the
23 legislature. But they answered that Title VIII speaks
24 specifically to subsistence. Some of the things that are
25 never mentioned when the Feds talk to the State or the State
26 talks to the Feds, is that, rural preference kicks in only in
27 times of shortage. That's the way I read it. And to my
28 knowledge, unless I'm missing something, there's not even a
29 procedure as to when this takes place. When does this rural
30 preference kick in? At what point does it kick in? I mean
31 who determines that? I mean there's not even a person -- you
32 know, the State environmentalists would have you believe that
33 rural preference is in existence at all times, that the
34 commercial fisheries and sport fishermen will sit on the
35 beach while we go out and gather our subsistence. That's not
36 true. The other scenario is that most Natives, if there's
37 600 people in the community, 600 people will go out to fish
38 halibut. That's not true either.

39
40 We've lived under rural preference before the
41 McDowell case came about. And we have lived under rural
42 preference since the McDowell case. It hasn't changed
43 anything. The scenario is that the Natives will deplete our
44 fisheries and natural resources. Nobody stops to think that
45 we've lived in this country for thousands of years before the
46 first European set foot on our lands. Today there is still
47 protocol in the communities as to the Native take of
48 subsistence. We teach our kids what to take and when to take
49 it. Take only what we need. I get kind of emotional when I

50 think of these things, these stereotypes they put upon Native

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1 people. One would think that Costco and Safeways have always
2 been in Alaska and McDonalds.

3
4 There have been no significant changes. The
5 legislature loves to bring out the fish trap era and compare
6 it to Federal government management. The love to bring out
7 the herring egg issue which was an isolated incident. Scott
8 Ogan the other night, said, the Peratrovitch case, they took
9 \$15,000 worth of herring eggs for a family of four that's
10 going to be \$60,000 and every family, and every household in
11 the community is going to do that. He didn't say how many
12 people are involved in that. That was an isolated incident.
13 I don't think anybody's doing it now because they know it's a
14 threat to the Native way of life, subsistence.

15
16 The fish trap issue, I think the Federal government
17 has become much more sophisticated since the fish trap days.
18 In fact, the Feds have been good to the Native people. And
19 this is evidenced in the Eskimo Whaling Commission, the
20 Eskimo Walrus Commission, which I believe is under co-
21 management for a number of years. The Harbor Seal, Sea Otter
22 Commission, the Marine Mammal Protection Act, and most
23 recently the Migratory Bird Treaty Amendment.

24
25 MS. WILSON: What was that last treaty?

26
27 MR. MARTIN: Madame Chair, I'll cut these off
28 here.

29
30 MS. GARZA: Migratory Bird.

31
32 MS. WILSON: Oh, thank you.

33
34 MR. MARTIN: Thank you, Madame Chair.

35
36 MS. GARZA: Thank you, Harold. You certainly
37 have given us a lot to think about. And I think you've
38 summarized quite well probably the majority of the big issues
39 in Southeast. You've pretty much done our work for us,
40 except that you've given us some things that we should
41 probably address in the next day.

42
43 It is 5:00 o'clock, and the meeting was scheduled
44 from 9:00 to 5:00. We do have time for public testimony
45 tomorrow, it's set at 11:00 a.m., and then again at the end
46 of the day. But I would like to check if there was anyone in
47 the public who would not be coming back tomorrow that would
48 like to testify now?

49

CHAIRMAN THOMAS: We're having an early

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1 session of public testimony at 4:30 in the morning.

2
3 MS. GARZA: Okay.

4
5 CHAIRMAN THOMAS: So if not, you can take
6 advantage of that.

7
8 MS. GARZA: You can talk to Bill about that.

9
10 CHAIRMAN THOMAS: Ralph, 4:30.

11
12 MR. GUTHRIE: We'll be there at 4:30.

13
14 CHAIRMAN THOMAS: All right, you don't need
15 to sign up.

16
17 MS. GARZA: I guess one of the summary points
18 I would like to make to follow-up on what Harold said, is
19 that the PR we've heard just even in the last week regarding
20 this subsistence dilemma is that it continues to be that the
21 public is of the opinion that once subsistence kicked in,
22 like it doesn't already exist, once subsistence kicks in like
23 is going to hell and commercial fishermen might as well give
24 their boats away. And somehow or another we need to combat
25 that. We need to get PR out there on the radio, on TV, in
26 the newspapers, however we can to let the general public know
27 that subsistence has been going on for the last 2,000 years
28 and no resources have declined because of it. And so I did
29 notice that that was missing, and it's something that we need
30 to address.

31
32 Also when we had talked about this meeting, I know
33 one of the requests I had brought up to Dave was that we, as
34 a Council, need to get better briefing or information so that
35 when people come to us and say, well, what in the heck is
36 going to happen now that you guys are taking over fisheries,
37 and it would be nice if we all had a briefing packet so we
38 could more clearly articulate that basically nothing will
39 happen in Southeast. But if we had that kind of information,
40 it would be better for us as Council members to relate to the
41 public. And so I would hope that we could still get some
42 kind of packet like that together.

43
44 And then also in summary, I think as we look at what
45 needs to be done between May and October, when the State
46 legislators walk away having done nothing, is to keep in mind
47 the kinds of organizations that Harold talked about, the
48 Alaska Sea Otter Commission, Harbor Seal Commission, et
49 cetera, there are a number of Native groups that have tribal

50 representation and backing that are already doing co-

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1 management, and so I'm sure that all of those groups and all
2 of those people that have gone through this, this is how we
3 work at Federal trading, will be glad to sit down and assist
4 in any way we can. So it's not like we're starting from
5 scratch. We have a large body of people who have been
6 involved with co-management. We have a large number of
7 uncles who still know how to make sure that we hunt properly
8 and know what traditional regulations look like. And so we
9 have a lot to work from assuming that nothing is done before
10 May.

11
12 CHAIRMAN THOMAS: Madame Chairman.

13
14 MS. GARZA: Bill.

15
16 CHAIRMAN THOMAS: While Harold was making his
17 presentation, I jotted down an observation from Ketchikan. I
18 was sharing with Alan, that in Ketchikan the sea otters wear
19 masks and air tanks to get their abalone and sea cucumbers
20 and sea urchins. So we might consider a season on those,
21 too.

22
23 MS. GARZA: You could work that out in
24 Ketchikan.

25
26 CHAIRMAN THOMAS: Yeah.

27
28 MS. GARZA: Mary.

29
30 CHAIRMAN THOMAS: No limit.

31
32 MS. RUDOLPH: Madame Chairperson, I was just
33 wondering, listening to Harold make his presentation and
34 hearing what you have to say. The thing with a lot of the
35 villages is we're very poor. We're not able to attend a lot
36 of these meetings. And it is real critical right now for the
37 villages, because we're being effected the hardest and we're
38 not able to travel and attend, like what he mentioned, the
39 Migratory Birds was one of the ones I wanted to be involved
40 in. I didn't know they had a meeting because I really was
41 hoping I could attend one of those, I spoke on it at the last
42 meeting.

43
44 But when I was traveling for the Hoonah Indian
45 Association, what I would do is try to get information out to
46 the other tribes. When I took packets home we tried to get
47 it out to the other tribes to let them know what was
48 happening. But word of mouth seems to be faster than the
49 reading materials.

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1 So I was just wondering how can we -- we're talking
2 Federal takeover and stuff, you know, how do we get all this
3 information to the villages since they're going to be
4 effected the most?

5
6 MS. GARZA: That's a really good question,
7 Mary, and that might be something that we take up tomorrow as
8 a Council and make recommendations on what we should be doing
9 in the next six months.

10
11 CHAIRMAN THOMAS: I like that expression,
12 Federal takeover, it's like the Bosnian takeover, you know.
13 Yeah, I mean it's got a little muscle to it.

14
15 MS. GARZA: That's right.

16
17 MR. VALE: Madame Chair.

18
19 MS. GARZA: John.

20
21 MR. VALE: Just one final little thought I
22 wanted to share with Harold there. You know, I recently read
23 an article that some killer whales have developed a taste for
24 sea otters, and I don't know if you have any pull with the
25 Killer Whale Clan down here but maybe you could get something
26 going with them and invite some killer whales down this way.

27
28 MS. WILSON: Madame Chair.

29
30 MS. GARZA: Marilyn.

31
32 MS. WILSON: Just a real short comment. As
33 for getting information out to the public, we could consider
34 the schools as part of the public. Because I'm going to be
35 talking to the high school next month on this body and all
36 the things that we do. So that's another thing to think
37 about, is to go to the schools and talk to the children, talk
38 to the students and they'll tell their parents.

39
40 MS. GARZA: That's a really good idea,
41 Marilyn. Ralph.

42
43 MR. GUTHRIE: I'd like to share this
44 with.....

45
46 MS. GARZA: Ralph, come up here. See Salena
47 has me trained.

48
49 MR. GUTHRIE: I'd like to share this story

50 with Harold and Rob because it's real significant in my mind.

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1 A number of years ago, you know, they were going around --
2 the State Fish and Game Board was making decisions on who was
3 rural and who wasn't, it was just slightly before that. But
4 I met this guy in Seattle on the bus and he says, where you
5 from, and I says, well, I'm from Petersburg, he says, oh, he
6 says, I've been out in Bristol Bay and I stopped by in Juneau
7 and I went to Ketchikan, and he says, now, I'm down here, he
8 says, I'll never go back, I said, well, why, he said it's too
9 rural. You know, and so I don't know where you guys all come
10 from but Anchorage might be our only non-rural area in the
11 State of Alaska.

12
13 And any place else in the United States would
14 consider us pretty rural, consider Juneau pretty rural
15 because it doesn't have all that many, 28,000 or 30,000
16 people, it's a rural community. So if the Federal
17 Subsistence Board can't find a rural priority for Juneau and
18 Ketchikan, I'll be pretty amazed.

19
20 Thank you.

21
22 MS. GARZA: Thank you, Ralph.

23
24 MS. WILSON: Could I ask a question?

25
26 MS. GARZA: Marilyn.

27
28 MS. WILSON: Yeah, Ralph reminded me of -- it
29 seems like I heard at one time, years and years ago that when
30 the State of Alaska and the legislature and all our Native
31 leaders got together to make Title VIII, ANILCA, that they
32 considered Alaska, all of Alaska rural. They didn't say this
33 town's rural, that town's rural. In other words, they didn't
34 define it. But at the time I heard that they considered it
35 all rural. So that was just a memory -- a distant memory I
36 have.

37
38 CHAIRMAN THOMAS: Madame Chairman.

39
40 MS. GARZA: Mr. Thomas.

41
42 CHAIRMAN THOMAS: You know these comments
43 with regard to public relations, getting the word out and
44 doing all that; I decline to do all that. There's people
45 that love to get me on radio stations where everybody can
46 call in and give me a bad time, you know, and I said, I ain't
47 getting paid, if you want to chew on somebody, chew on
48 somebody getting a paycheck, and so I send them all to Dave.

49

MS. GARZA: Okay.

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1 CHAIRMAN THOMAS: I don't talk to anybody.

2

3 MS. GARZA: Okay, it's getting late. Shall

4 we recess until tomorrow?

5

6 CHAIRMAN THOMAS: 9:00 o'clock.

7

8 MS. GARZA: 9:00 o'clock.

9

10 MR. GEORGE: Except 4:30 for those guys.

11

12 CHAIRMAN THOMAS: 4:30 be here.

13

14 MS. GARZA: 4:30 for Ralph and Bill and Nels.

15

16 (Hearing recessed)

17

18 * * * * *

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Owner of Computer Matrix, do hereby
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THAT the foregoing pages numbered 2 through 143
contain a full, true and correct Transcript of VOLUME I,
SOUTHEAST FEDERAL SUBSISTENCE REGIONAL COUNCIL PUBLIC
MEETING, taken electronically by Salena Hile on the 17th day
of March, 1999, beginning at the hour of 9:05 o'clock a.m. at
the Northern Southeast Regional Aquaculture Association
Building, Sitka, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by
Ms. Hile to the best of her knowledge and ability;

THAT I am not an employee, attorney, or party
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1999.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/00